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ABSTRACT

Designed to help family day care providers and the agencies that support them reform local zoning laws that make it difficult or impossible to legally care for children in their homes, this guide outlines the process of obtaining a use permit, changing local laws, and strategizing for the passage of state legislation that preempts local laws. A brief introduction is followed by sections on: (1) local zoning laws and zoning decision makers; (2) the process of educating decision makers about family day care; (3) ways to counter community resistance; (4) the process of obtaining a zoning permit; (5) the process of changing local law; (6) legal challenges; and (7) the process of enacting state preemption laws. Nine appendices include a child care fact sheet, a national directory of child care resource and referral agencies, a list of selected child care resource organizations, a selection from the San Mateo (California) County text amendment procedure for the amendment of the county's ordinance code, the City of San Bruno's (California) brochure on the city's use permit, a statement of the American Planning Association's policy implementation principles on the provision of child care, a state-by-state guide to family day care zoning preemption legislation, examples of model language for state preemption laws on family day care, and a checklist for use in the development of legislation. (RH)

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FAMILY DAY CARE ZONING ADVOCACY GUIDE

BY
Carol Stevenson
Child Care Law Center
with the assistance of
Abby J. Cohen
and Barbara Coccodrilli Carlson

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FAMILY DAY CARE

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As with many of our projects, we convened a panel with national representation to guide us in our work. Their guidance proved to be invaluable. Panel members shared their time, experiences, concerns, and insights--improving this work immeasurably. Panel members included: Marsha Ritzdorf, Planner, Eugene, Oregon; Ann Cibulskis, Planner, Chicago, Illinois; Paula Schnitzer, Planner, Somerville, Massachusetts; Lynn Mineur, Planner, Lewiston, Idaho; Gail Price, Planner, Silver Spring, Maryland; Jacquie Swaback, Planner, Sacramento, California; Patty Siegel, Child Care Advocate, San Francisco, California; Ann Macrory and Elizabeth Hough, Lawyers, Washington, D.C.; Tutti Sherlock, Child Care Advocate, Rochester, Minnesota; Linda Eggbeer, Child Care Advocate, Washington, D.C.; Nancy Kolben, Child Care Advocate, New York, N.Y.; Abby Leibman, Lawyer, Los Angeles, California; Diane Adams, Child Care Advocate, Madison, Wisconsin; and Nancy Travis and Joe Perreault, Child Care Advocates, Atlanta, Georgia. Many of these panelists read drafts of this *Guide* and offered helpful comments; Ann Cibulskis of the American Planning Association also assisted Vera Vasey, the Child Care Law Center's paralegal during this project, in tracking down useful and hard to obtain materials. However, the authors alone are responsible for the interpretations and opinions expressed.

The *Guide* would also not have been possible without the work of family day care advocates throughout the country who have fought local zoning battles and shared the wisdom of their strategies, victories and defeats at numerous conference workshops over the past ten years.

INTRODUCTION

Throughout the United States, family day care providers are running headlong into local zoning laws that make it difficult, expensive or impossible to legally care for children in their homes. Local zoning ordinances in hundreds of communities across the country remain a major stumbling block to meeting the need for an adequate supply of family day care services. This *Guide* was written to address this problem and to assist providers of child care services and the agencies that support them in reforming their zoning laws.

Unlike the licensing or registration of family day care homes in which standards for operation are applied statewide, zoning laws are by their very nature peculiarly local. Each person who uses these materials must put them in the context of her uniquely local situation. Not only are the zoning laws and local politics specific to your location, but the supply of and demand for child care services differ from one place to another. The *Guide* gives an outline--a roadmap--of the process of obtaining a use permit, of changing local laws and of enacting state legislation to preempt local laws.

Much of the practical information in the *Guide* came from the stories and struggles of hundreds of family day care providers who have attended workshops, received consultation from and worked with the staff of the Child Care Law Center. Not everyone has a success story and compromise often becomes necessary. We hope that reality is reflected in these materials.

The *Family Day Care Zoning Advocacy Kit* is made up of two different guides. The first, this *Family Day Care Zoning Advocacy Guide*, is directed towards you as family day care provider, resource and referral employee or staff person and/or child care advocate. The second, the *Local Officials' Guide to Family Day Care Zoning* was written primarily for planners and elected officials. This *Zoning Advocacy Guide* will be your most important resource, but you will probably find the information in the *Local Officials' Guide to Family Day Care Zoning* for planners and elected officials helpful too--for more detailed and/or additional materials to support your specific zoning advocacy effort or simply to share as an educational tool with your local elected officials and planning department.

This project was undertaken because it isn't easy to educate politicians about the need for day care at the same time you're establishing a family day care home in your community. It takes strong and brave providers to come forward to fight these battles. A provider's greatest strength comes from her belief in the importance of the work of caring for young children and a knowledge that it is being done well.

Defending the work of family day care and the appropriateness of home-based day care to the outside world will be an empowering experience. Even providers who haven't spoken before an audience since high school speech class can do it. By standing up for your work and its importance to the families you serve, you make it important to the "outside world." If we are ever to have comprehensive child care services in this country, then family day care homes must be allowed in all residential neighborhoods.

Carol Stevenson
January, 1989

I. Local Zoning Laws and Zoning Decision Makers

What is Zoning? Why are there Zoning laws?

Zoning is the exercise of legal power by a local government to shape the character of a locality, to control the kinds of buildings that will be built and the kinds of activities which are allowed in different parts of the locality. This power is given to a locality by the state as an extension of the state's authority to regulate for the health, safety, morals and welfare of the people. A locality has broad discretion in its use of this police power as long as the public health, safety, morals and general welfare are promoted.

Almost all localities classify land within their borders into various "zones" where certain uses can occur and where certain types of development are permitted. Typically cities* have residential, commercial, agricultural and industrial zones. Within each zone, certain activities are permitted (always allowed or permitted by right), others are conditional (sometimes permitted under certain conditions) and prohibited (not allowed under any circumstances). Within the larger residential zone there may be designations such as R-1 (single family residential), R-2 (two-family residential), etc. These designations and their definitions vary so be certain to learn more about those used in your community.

Even though family day care usually must occur in the home of the care provider** , in many communities it is not considered a residential use and not permitted by right in residential zones. If it is not permitted "by right" a day care provider will have to apply for and be granted a permit in order to operate legally. (Of course, this assumes family day care is not prohibited). Different cities call these use permits by different names --sometimes they are known as conditional use permits, special uses, special permits, regular use permits or special exceptions. For the sake of simplicity, the term conditional use permit will be used throughout this *Guide* when referring to a "full-blown" permit process. Modified versions of this extensive process may be called either non-discretionary permits or zoning administrator's permits.

What Is the Law in Your Community?

In order to comply with local laws and/or influence local government decision making, the first step is to learn what local ordinances apply to your family day care home. The second step is to learn how local government works in your community. Obtaining a copy of the portion of the Planning, Zoning or Municipal Code Section(s) which is/are being used to regulate family day care should be your first step.

To obtain a copy of the local ordinance, check with your local planning department, your child care resource and referral agency, the licensing office, your local public library or your county law library. A list of resource and referral agencies across the country is part of this *Advocacy Guide*. The particular ordinance which applies to family day care (if there is one) typically will be part of your city's Planning, Zoning or Municipal Code.

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* Local government zoning powers may be either city or county wide. These terms will be used interchangeably in these materials so as to minimize repetition.

** Check your state licensing law to determine whether family day care must take place in the residence of the provider. In most states this is part of the legal definition; however in some states, the location is not mentioned or family day care needn't occur exclusively in a provider's home.

You may find it difficult to tell which parts of the code apply to you, especially if family day care isn't specifically mentioned. Check the index and the definitions section of the code to see if family day care is mentioned. If it is not mentioned, look for any sections which define day care centers, day nurseries, nursery schools, etc. since these may be the only places where child care is mentioned. Check the definitions of these facilities. The definition of child care center, for example, may be so broad that it may include family day care homes, resulting in the inappropriate imposition of "center" requirements on family day care homes. Another place family day care may surface in your local code is under "home occupation," so be sure and check for this definition as well. "Home occupation" ordinances usually permit businesses in the home if they are "incidental to the primary use" of the building as a residence. If family day care is considered a home occupation, there may be requirements that are inappropriately applied to family day care homes. If your ordinance only allows home occupations when specifically listed, family day care may be excluded by not being named.

Once you have found your local ordinance, see Part V for a checklist you can use to analyze your local ordinance. If family day care is not a permitted use (allowed by right) and is also not prohibited, find out what procedure is required for permission to operate. In all likelihood, you'll need to get an application, pay a fee when you submit the application, gather essential documentation, and perhaps be responsible for giving notice to your neighbors.
If family day care does not fall within the definitions in the ordinance which pertain to other child care facilities, the ordinance might be applied to you erroneously. If you think this is the case, you may need to work to challenge and change the local law (See Part V, Changing Local Law). Working to challenge and change the local law will also be appropriate if you find that family day care is prohibited.

Who Makes Decisions about Zoning in Your Community?

Once you have determined which law applies to you, you need to learn how decisions about zoning issues are made in your community. These decisions will fall into two categories--action on individual applications by providers to obtain permits and action to amend a local law. It is essential to learn more about who makes decisions about both these types of actions. Working with other child care organizations, such as your provider association and the local child care resource and referral agency will help in both identifying who the decision makers are and deciding how best to go about influencing their attitudes about and the ordinances that govern family day care. As mentioned above, the predominant control over land use rests with local governments and agencies: cities (or towns, villages, boroughs and townships) and counties. (However, in a few states the state has preempted local governments from applying local zoning law to family day care. See Section VII for more detailed information on preemption.)

Counties

If you live in an unincorporated area, you may be under the jurisdiction of a county planning or zoning ordinance. The county's governing board (Board of Supervisors, Board of Commissioners, County Commission, County Council, etc.) passes all county ordinances, including those affecting land use.

Cities

Each city elects a governing body, often known as the City Council (Board of Aldermen, Common Council, etc.) to establish city policy and to enact and implement local ordinances. City governments are responsible for land use planning within their jurisdictions.

Many cities employ an administrator known as a city manager, city adminstrator, town manager, city executive or chief administrative officer. In other forms of city government there may be a city council and a mayor chosen from within its ranks (known as a "weak mayor/council") or the system may have a city council and mayor directly elected by the people (known as "strong mayor/council"). There are variations on all forms of city government. Many of these same types of governmental structures can be found at the county level, too.

Local Planning Agencies

Planning Commission
In addition to elected officials, there is usually an appointed body in each locality most commonly known as the Planning Commission which, among other duties, holds hearings and decides on individual applications for conditional use permits within each city or county. In other communities, this body may be known as a Zoning Hearing Board or Board of Zoning Adjustment. This group may also hold public hearings on any changes to local zoning ordinances before referring such changes to the city/county council, or other law making body in the jurisdiction.

Planning Department
Planning Commissions are usually served by the professional staff of the city's Planning Department. The staff of the Planning Department (sometimes called the Zoning Department, Department of Construction and Land Use, etc.) usually reviews all applications for conditional use permits as well as changes in local ordinances and makes recommendations to the Commission and/or legislative body regarding changes in land use. In some communities, the department staff may have the authority to actually grant use permits. In the common case where the Planning Department's findings and recommendations regarding a particular use permit or ordinance change are only advisory, they can be highly influential. Often it is an interested or sympathetic staff person in the Planning Department who first realizes that the zoning treatment of family day care is inappropriate and should be different from child care centers.

II. Educating the Decision Makers About Family Day Care

Problems with zoning ordinances governing family day care often stem from the fact that none of the decision makers has ever thought about family day care as distinct from child care centers or babysitting. The uniqueness of home-based, non-familial care of young children just hasn't been addressed by most local governments. Whether you are applying for a conditional use permit for your own family day care home or working to make favorable changes in your local law, a big part of your job will be getting people to understand the nature of family day care. Describing your own service, having concerned officials visit a few family day care homes, and familiarizing people with family day care regulation at the state level are ways that local officials can begin to better understand this form of child care. A good way to describe family day care is to develop a fact sheet which can be distributed locally.

Developing a Fact Sheet

A fact sheet is a one-page statement that sets out the most important information needed to educate decision makers and neighbors about family day care.

A family day care fact sheet can be used to acquaint and educate large numbers of people about family day care. You also might want to develop a fact sheet that outlines how family day care differs from child care centers.

Some suggestions to keep in mind when writing your fact sheet:

- Make it a brief, clear outline of your position, not a detailed essay. The reader should be able to extract easily whatever information he/she needs.

- Do homework to get factual statements to support your position.

- There may be a resource and referral agency in your community which can help you. These agencies usually perform three functions:
  1. provide referrals to parents
  2. help providers establish and maintain child care programs and
  3. advocate for an improved child care system, based in part upon their database which documents local needs and supply. These agencies can be a major source of assistance in zoning struggles. You may be able to obtain information from your child care resource and referral agency or local, state and national child care advocacy groups.

  (See Appendix A for an example of a more generalized child care fact sheet, Appendix B for a directory of resource and referral agencies and Appendix C for a directory of national child care advocacy groups).

- Double check the accuracy of any factual statements. Give the source of information if possible.

- Provide the name and phone number of a contact person who can give the reader further information. Date the fact sheet so that it can easily be identified if there are later revisions.

- Make sure each member of the council or commission and the city administrator receives a copy of the fact sheet.
- Make sure the local planning director (or in a big department, the planner in charge of land use and zoning decisions) and all planning commission members receive a copy of the fact sheet.

SAMPLE
Family Day Care Fact Sheet

1. Family day care homes are _____ (insert whether licensed, registered, certified, etc.) by the State of _____ (insert your state).

2. Under state law, family day care is defined as "_____ (insert definition from state licensing law)." Family day care [must] take[s] place in the residence of the provider*** It is not the same as a child care center, which is usually housed in a more institutional-type setting and cares for larger numbers of children. In this state, a child care center is defined as _____ (insert definition from state licensing law).

3. The maximum number of children who can be cared for in a family day care home in _____ (insert your state) is _____ (insert number). This ceiling guarantees the residential nature of a family day care home care as compared to center-based care which involves the care of significantly more children.

4. When the state _____ (insert licenses, registers, certifies, etc.) a family day care home it means _____ [insert state requirements here such as whether the state inspects your home, any health and safety requirements, any screening, experience or training requirements, etc.]. The licensing agency investigates complaints about the operation of the family day care home. Our locality does not need to spend its money to duplicate these efforts.

5. The activities which go on in a family day care home--preparing and eating meals, playing, napping, outdoor activities, and running a household--are identical to the activities provided in any home with young children. Since there is nothing more residential in nature than caring for children, family day care is wholly compatible with traditional residential uses.

6. Family day care is needed. It is the most widely used form of out of home care. ____% of mothers with children under age 6 are working in this state**** . (Insert local shortage statistics here if you can obtain them). It is estimated that by 1990 over 60% of two-parent families with young children will have both parents working outside the home. (Insert statistics about single parent families here, too). The need for child care will continue to increase over the next few years.

7. Family day care is a preferred form of care for infants and school-age children, the age groups for which parents have the most difficult time locating child care. Families also prefer it because it provides part time care, allows siblings to be cared for in one place near home and accommodates families' needs for flexibility.

8. Onerous and expensive zoning restrictions on family day care homes diminish the number of licensed providers and cause new providers to remain underground and unlicensed, thus making safe, monitored care less available to parents seeking care for their children.
For further information contact: _____

_____

Dated: _____

*** In some states this is because the law requires it. In states where family day care is not required to be in licensee's own home, you will have to reword this. In those states where it is not required that care occur in a provider's residence, it will be even more important to explain and emphasize why family day care homes should be permitted in residential neighborhoods.

**** You may be able to obtain this information from state census data, your local public library, resource and referral agency, or state legislative offices.

Using the American Planning Association Resolution

There are some planners who have given thought to how planning policy at the local level can affect the supply of child care in both centers and family day care homes. During 1987, the American Planning Association, a professional association of planners, adopted "Policy Implementation Principles" on the provision of child care. These principles are included here so that you can use them to help convince your local planning department that there is something they can do to ease the child care shortage and positively address the need for additional day care services for working parents. The adoption of these principles by the largest professional planning association in the United States lends credibility to your position that family day care should be given favorable zoning treatment at the local level.

Give a copy of this resolution to members of the Planning Department staff with whom you are working either on a conditional use permit approval or changing local law. *(See Appendix D for the full text of the Resolution).*

Capitalizing on the Surge in Demand and Interest in Child Care

There has been a revolution in the attitudes of public officials, employers and businesses towards child care. Fueled by the statistics showing that more than 60% of women with children under the age of 6 are already in the work force, an increasing array of entities, including the Federal government, state, local and city governments, businesses and developers, unions and non-profit organizations including churches are now active on child care issues. This growing interest should assist your efforts to amend the planning and zoning laws in your locality.

Tie in the problems of zoning and family day care with the impetus to "do something" about child care being evidenced by local governments throughout the United States. Favorable zoning treatment is a cost effective way to preserve and expand existing child care in your community.

There is increasing interest on the part of local governments in addressing the child care needs of the families in their communities. Find out what other communities near yours are doing about child care in general and about family day care in particular. Examples of positive zoning treatment for family day care homes in neighboring communities can be very helpful in convincing your community to do likewise. If your city is in competition with nearby municipalities for new developments, then adequate child care services might be seen as an incentive to both business and residential development. Allowing family day care to exist with rational zoning laws is one simple way that a city can create a climate more favorable to the development of child care with little cost.

III. Community Resistance and How To Counter It

The operation of a family day care home can cause a great deal of controversy in a neighborhood. Both legitimate planning issues and less legitimate neighborhood squabbles are often raised simultaneously at a public hearing. Described below are the issues that can be said to have some legitimate planning impact and which providers should be able to address when they arise in the context of a zoning hearing or in the preparation and passage of a new ordinance. Also addressed are typical community concerns which may serve as impediments to the operation of a family day care home.

Responding To Legitimate Planning Concerns

Traffic

Argument: The increased traffic generated by the operation of a family day care home will spoil the quiet residential nature of the neighborhood. If a provider lives on a very quiet street, there is a concern about the noise of additional traffic; if she lives on a busy street, then there is concern it is too dangerous.

Response: If the concern is a small family day care home, the increased traffic flow into a neighborhood is minimal. If the home in question is a large home or group home, then an increase in traffic may be noticeable, particularly at the beginning and the end of the day.

To address this concern show how many of the children in care are from the same families, how many carpool, how many are school age children walking to your home after school. In other words, be able to say how many additional cars are on the block as a result of the family day care home.

Emphasize that parents drop off and pick up the children on a staggered schedule so that rarely are there more than a few (or you fill in the actual number) additional cars in the neighborhood at any one time. Be clear and honest about what the actual situation is; being deceptive about actual impacts will never advance your position.

Parking

Argument: The parents using the family day care home will park in front of the houses on the street, block driveways, double park, and in general turn a quiet residential street into a congested thoroughfare. Employee parking is also raised as a concern.

Response: Have a parking plan and policy in operation when you speak to your neighbors and when you go to any required public hearing. Maximize the use of your own driveway, if possible. Know how many cars can park in your driveway and directly in front of your property; know where the other closest on-street parking places are. Write up a brief parking policy for parents which includes specifics about where to park as well as prohibiting double parking, blocking or turning around in neighbors' driveways, or stopping and honking to pick up a school age child. Present your plan at the public hearing. Be able to show where any employees will park, either in your driveway or in a legitimate on-street parking place. If your employee uses public transportation or walks to work, let that be known. Requiring supplementary off-street parking at the typical family home will usually either be impossible or result in paving over part of the front yard which makes a greater negative impact on the residential character of the neighborhood.

Noise

Argument: The noise of children playing outside at the family day care home disrupts the peace and quiet of the residential neighborhood.

Response: There is nothing more typical of most residential neighborhoods than children playing and the accompanying noise that activity brings. How that noise is perceived is in the ears of the listener. The noise from a family day care home is no more disruptive than other typical neighborhood noises such as lawnmowers, power tools, playing stereos and televisions, parties, impromptu sports activities or other children playing. Children are rarely outside all day long at the family day care home. Before accepting limits on the hours of outside play as an ordinance provision or as a condition for your permit approval, carefully consider its impact on your service and whether it will simply give neighbors something to complain about. Most communities have noise ordinances and nuisance laws which could be enforced if a situation got out of hand. Just as with parking, it is desirable to have a noise "plan"--having thought through in advance how to keep the noise level within reasonable limits. This plan may include the hours children are allowed outdoors, where they are permitted to congregate outdoors, the planting of a hedge to act as a noise buffer, etc.

Concentration

Argument: If we allow one family day care home (or don't limit the numbers of homes per block) then the neighborhood will become "oversaturated" with these homes which will make parking, traffic and noise many times worse.

Response: This is an argument which comes in part from viewing family day care homes like residential facilities. With the latter type of facility, often there has been an overconcentration of such facilities in neighborhoods where the residents lacked political clout to oppose them.

Given the fact that there is currently an inadequate supply of licensed child care and that parents prefer child care close to home, typically family day care will only thrive where it can be supported by adequate enrollment. Even if concentration is a concern of local authorities there is no need for highly restrictive requirements which limit the number of family day care homes excessively. A more reasonable response, such as is found in Antioch, California's ordinance simply states that "No administrative use permit shall issued if there is another approved large family day care home operating adjacent to the proposed site, or if the granting of the permit will result in a residence being bounded on more than one side by a large family day care facility." In other communities, waivers are granted to concentration requirements, to acknowledge special circumstances when the concentration requirements as applied are too restrictive.

One proposed ordinance had no traffic or parking requirements, but used a concentration requirement to address the concerns about these potential increased impacts. Alternatively, the concerns about over-concentration could be addressed directly through traffic and parking requirements, eliminating concentration requirements completely.

Need for Noticed Hearing

Argument: If family day care homes are considered a permitted use of property or if only a nondiscretionary permit is required, neighbors may not have an opportunity to voice their opinions about how the operation of the home will affect their neighborhood.

Response: In many instances family day care homes have operated in communities without undergoing any permit process with full knowledge of the neighbors. In other instances the operation of the home was so unobtrusive that neighbors were unaware that any child care was taking place. All too often notice to the neighbors creates misunderstandings and problems where none previously existed. Often this is because the notice to neighbors inaccurately describes the family day care home as a child care center or facility or implies that a commercial venture is being established in a residential neighborhood. Family day care is then perceived as a business use of the property and the beginning of the erosion of the residential nature of the area. All sorts of petty neighborhood battles, from overhanging trees to barking dogs, become the focus of the use permit hearing. There is ample evidence to show that in communities where homes serving fewer than six children are allowed without a conditional use permit, neighborhood erosion and problems have not resulted. There is even one study that shows that small centers serving 7-20 (a category which included large family day care homes) children were perceived favorably by neighbors (Maryland-National Capital Park and Planning Commission. *Small Child Care Facilities in Residential Areas.* Silver Springs, Maryland: March 1987).

Handling Neighborhood Concerns

The usual opposition to a family day care home comes from neighbors who feel that the operation of the service will compromise the residential nature of their neighborhood, bring in additional noise, traffic and parking congestion, and lower the value of their property. Each of these specific concerns is addressed in these materials. Often, however, a hearing on a provider's conditional use permit becomes a forum for every complaint a provider's neighbor has ever had--the dog barks, your house needs painting, your own kids ride their bikes off the sidewalk and into her flower beds, the baseball went through the window two years ago, your tree overhangs the property line--the list of possible neighborhood disputes is endless. Usually very few of the neighborhood gripes have much to do with the operation of the family day care home.

Every provider needs to think about being a good neighbor (even in the face of hostility) and work to allay neighbors' fears about the operation of her family day care home. Often the opposition comes from ignorance--not knowing but imagining what it means to have a family day care provider on the same block. Ironically, many providers operate for years with no problems only to find that their neighbors come out in opposition when the issue becomes public at a planning commission hearing.

Often when neighbors receive notice or learn about a provider's application for a use permit and the upcoming hearing, their first thought is that neighborhood's residential character is being compromised. Of course when notices inappropriately call the family day care home a "child care center" or a "large day care facility", it does nothing to allay these fears.

If the home was being changed into a commercial establishment of some kind, neighbors might have a legitimate cause to worry. After all, if you start a small business and it becomes

successful, that means more and more traffic, employees, etc. Such is not the case with family day care. Family day care homes are limited in size by state licensing laws. No matter how successful and wonderful the child care program is, it is limited in size simply because it is a family day care home.

Family day care homes also differ from many other home-based businesses because they provide an essential community service. They are a business that typically must be done in the home. Additionally, the home is not being transformed into a commercial establishment with the mere exchange of money; the same parts of the home that are used for day to day living will be utilized in running a family day care home.

There haven't been any studies on the actual impact of family day care homes on residential property values, but studies which have been conducted regarding residential group homes have shown that property values are not adversely affected by their presence in a neighborhood. Indeed, as the need for child care grows, the proximity of family day care may be seen as a neighborhood asset to new home buyers just as the proximity of schools to homes has been. Finally, it is important to emphasize that a family day care provider has as much of an interest as her neighbors in maintaining property values in her neighborhood. After all, she lives there too.

Advance planning and personal contact with the closest neighbors can go a long way toward establishing goodwill in the neighborhood. Let neighbors know how many children you will be caring for, what your daily routine is like, etc. Some providers have found it helpful to host an "event", like inviting neighbors in for afternoon snack or tea, in order to let the neighbors get to know the program.

Most importantly, it is essential that providers do what they can to minimize the negative impacts of the operation of their day care home on the neighborhood. This means that parents should be instructed not to block driveways, turn around in neighboring driveways, or double park while dropping off or picking up their children. School age children should be careful not to run across neighbors' lawns, ride their bikes in neighbors' driveways or skate off the sidewalks, etc.

The noise of children may be the impact that is impossible to come to an agreement with your neighbors about. There seem to be people to whom the noise of children playing is "music to the ears" and others who find it "strident and raucous." Being reasonable seems to be the only answer in these situations. That means the children aren't outside before 9 in the morning; there are breaks during the day when the children are inside; and you deal promptly with arguments and temper tantrums that can create louder than usual noise.

In addition to providing a valuable community service in a residential setting, family day care providers provide a secondary asset to a neighborhood. They are home during the day when the neighborhood is deserted due to the exodus of 9-5 commuting workers. Being an extra pair of eyes and ears for a neighborhood should be emphasized as the asset that it is.

Other Opposition—Competition With Child Care Centers

In some communities, the major opposition to granting a conditional use permit or to a change in law giving more favorable treatment to family day care homes has come from private child care centers. Why, they ask, should family day care be allowed in residential zones as of right or with less onerous permitting procedures, when we must absorb the costs of meeting zoning requirements before opening a new center? In some communities both family day care homes and child care centers receive fair and equitable zoning treatment. In many other situations,

however, both kinds of programs face roadblocks. But inequities in treatment should not be perpetuated by treating family day homes identically with child care centers. There are significant ways that family day care differs from center based child care from a planning perspective. It is important to keep these in mind, and remain *objective* about the distinctions if met with this kind of argument.

The major differences are:

- Size. The size of a family day care home is limited by licensing law. In most states, the outside limit for a group or large family day care home is 12 children[*****] . No matter how popular or successful the provider becomes, she cannot increase her capacity indefinitely and remain a family day care provider. By definition this potential also limits noise, traffic and parking impacts. Moreover, many providers do not operate at full capacity.

- Residential use of property. Family day care has the term "family" in it because the care most often must take place in a family home where the provider lives. Usually the legal definition also includes the word "home", not school or center, because of the recognition of a family day care home's residential nature. Although some providers convert a family room, garage, or basement room into a day care playroom, most parts of the house continue to be used during the times that the children are in care. The family kitchen, bathroom and bedrooms are used by the day care children in the same way that they are used by family members. The property itself is not being transformed into a commercial establishment; it remains a home. Even the IRS recognizes that family day care is a unique use of the home and has special rules governing how deductions are taken for family day care homes.(See Internal Revenue Code Section 280 (A)(c)(4) and IRS Publication 87, *Business Use of Your Home*, for further information).

- Limited Income. Because a provider is limited in size, she can only realize a fixed amount of income within the current market rate for child care.

It is counterproductive to attempt to one-up or make family day care seem better than center-based care. You can assert you are "more loving" and the center can assert they are more "trained and professional". Families need and want options in child care, and there are high and low quality providers of every type of care. Moreover, it's not up to the planning commission or elected officials to determine what is the best kind of care--in fact you don't want them to do so. So stick to the objective points to counter arguments coming from child care centers.

Positive Arguments—How Family Day Care Is An Asset

Need for Child Care Met by Family Day Care Homes

If you have data in your community about the need for child care services, it is important that it be put to use when working for favorable zoning treatment of family day care homes. The needs for infant and school-age care in particular are often met in family day care homes rather than child care centers. Indeed, it is the ability of family day care to be flexible, deal with mixed age groups, part-time care, and individual needs that makes it a service sought after by parents. Emphasize the positive without "putting down" other forms of care.

***** There are some states where the maximum number of children in a family day care home exceeds 12. Check your state licensing law to determine what your state's maximum is.

Child Rearing has Changed

With 62.8% of mothers with children under 18 in the workforce, and nearly half the mothers returning to work before their child's first birthday, the manner in which children are raised has dramatically changed. Allowing children to be cared for in a small, neighborhood setting, i.e. a family day care home, can give them a healthy daily environment, similar to that of their own home. When mothers were at home, often times the kids gathered in one house or yard to play together whenever possible. When kids are in family day care, they are in essentially the same situation except they are dropped off and picked up by parents and are formally supervised.

Someone is Home All Day

Responsible family day care providers and family day care advocates know that a well run family day care home can be an asset to a neighborhood. As the norm has shifted and both parents work outside the home, residential neighborhoods are left empty after the exodus of the morning rush hour. Family day care providers working in their homes keep an eye on the neighborhood during the day. Even the "latchkey kids" who don't use their services on a regular or paid basis often know that the family day care provider is at home and around in the case of an emergency.

IV. Obtaining a Zoning Permit

If after researching the law, you find that a conditional use permit is required in order for you to operate your family day care home, you must take the necessary steps to obtain one. In some states, you must meet the requirements of local law before obtaining a license. If the requirements, the fees, or the procedure for obtaining a conditional use permit are prohibitive you may want to work to change the local law before spending time and money attempting to meet impossible requirements *(See Part V, Changing Local Law)*.

There are different types of permit processes and conditions which are imposed in different communities. The most common are the non-discretionary permit and the regular conditional use permit. The following procedures, steps 1-4 usually apply to both types of permits. Steps 5-10 will almost always apply to a regular conditional use permit process and will sometimes apply to a non-discretionary permit process. When working in your community, it is essential to understand not only *what* the zoning law is that applies to your home, but equally important, understanding *how* the zoning law works, i.e. what is the process you must successfully complete to obtain a permit.

Procedure for Obtaining a Conditional Use Permit

Step 1. Go the the Planning Department to find out the procedure for obtaining a conditional use permit and obtain the application.

Step 2. Fill out the application form and provide all the necessary accompanying documents. *Note*: Some of these requirements may be excessive (i.e. requiring an environmental impact report, additional inspections, architects' drawings etc.). Check with the planning staff to find out if there are alternative ways to meet the requirements if they seem too onerous. It may be the imposition of excessive documentation that deters family day care providers from applying for the permit in the first place.

Step 3. Pay the fee when you submit the completed application.
Important note: this fee is generally not refundable, even if your application is denied. If the fee is exorbitant in relation to your income as a day care provider, this may be reason enough to work to change the law in your community.

Step 4. Meet any additional requirements set forth by the locality.

Non-Discretionary Permit
If family day care use permits are non-discretionary, then the designated member of the Planning Department staff can issue the permit once the application and fee are submitted and the required conditions have been met. No hearing is required. In some cities, notice may go to neighbors even when the permit is non-discretionary, giving them an opportunity to request a hearing. This notice may be in the form of a certified letter; in other communities notice involves the posting of a sign on the family day care provider's property.

Regular Conditional Use Permit
In addition to filling out the paper work and paying an application fee, the process of obtaining a conditional use permit in most communities requires that the neighbors be notified and that a public hearing on your request be held. This process is time consuming and can be intimidating. It is important to gather support for your family day care home and to prepare well for your appearance at the public hearing.

Step 5. Obtain a copy of the Planning Department staff report.

In many localities, the staff of the Planning Department prepares a report for the Planning Commission on each request for a conditional use permit. It usually contains a recommendation of approval/disapproval of the permit request. It is the main resource used by the Planning Commission members to form their opinions. As the applicant for the conditional use permit, you are legally entitled to a copy of any staff report as well as memos from the planning staff to City Council or the Planning Commission. It is important to get these materials as far in advance as you can. Any points raised for or against approval in the staff report should be addressed in your remarks.

Step 6. Gather support.

You have several groups of "natural supporters" for your family day care home. The parents who currently use your care should be urged to write letters of support to the Planning Commission (hearing body, whichever it is), and be asked to attend to speak on your behalf. A parent who also lives in the neighborhood is a particularly effective advocate. Former users of your services can also add voices to the Planning Commission on your behalf.

Other family day care providers, particularly your local family day care association, if there is one, can provide a great deal of real and "moral support" while you are going through this process. Providers who have successfully maneuvered your local process can provide you with much assistance on how the process works, and what arguments worked best for them.

Neighbors who support you should be encouraged to show their support publicly. Since the most likely group to oppose your application for a use permit will be neighbors, any show of support from neighbors who favor the operation of your family day care home is invaluable. If you can get neighbors to sign a petition in support of your family day care home, then present the petition at your hearing. Having neighbors actually present the petition and/or speak on your behalf will help your cause immensely.

Child care resource and referral agencies can also support your efforts to obtain a conditional use permit. Testimony on the need for day care, especially if it reflects a need both in your neighborhood and/or for the particular type of care you are planning to provide, i.e. infant care, part time care, can be persuasive to Planning Commissioners who see your service as meeting an expressed community need. *(See Appendix B for a directory of resource and referral agencies).*

Step 7 Know the hearing process.

You should know what law is being applied to you and what requirements are necessary for you to meet in order to obtain your conditional use permit. It is also important to know what to expect at the hearing itself. There is no better way to do this than to visit at least one Planning Commission meeting before the date of your hearing. The apprehension you may be feeling is often a fear of the unknown, and a few hours spent observing how other people present their cases, which Commissioners ask questions and what types of questions they ask, etc. will help alleviate a great deal of the apprehension that you may be feeling. You will also find out whether you will have an opportunity to respond to those testifying against you and whether time limits are imposed on either side. You should also find out whether the Commission makes its decision at the time of the

hearing; where to obtain the written findings of the Commission; and the process and timeline for appeal should you lose.

If you can't possibly attend a hearing, talk to other providers who have been through the process recently. Talk to several if you can. Their experiences may differ but the more you know, the better prepared you'll be. Make sure you have an opportunity to see the file of letters in support of and against your application, the staff report, etc. prior to the hearing.

Important note: In an increasing number of communities hearings are being held in front of a "hearing officer" rather than the Planning Commission. Procedures before a hearing officer may differ from the procedures described above. Find out in advance the type of process your community uses.

Step 8 Present your case at the hearing.

a. Educate and make your points clearly and briefly.
Use a family day care fact sheet or other written materials to explain what family day care is. Make your points and show how the operation of your family day care home meets both the requirements of the law and any concerns that may be voiced by neighbors. Try to remain objective and reasonable. Answer any questions and concerns honestly. Exaggerating, altering facts, or suppressing information are all ways to lose your credibility instantly.

b. Meet your opposition's arguments.
There may be concerns raised by neighbors prior to the hearing which are legitimate planning concerns, such as noise, traffic, parking, property values, and overconcentration of family day care homes. If particular concerns about the operation of your home have been raised in letters of opposition, address those concerns directly. These can be addressed affirmatively by you both in your initial testimony as well as in any opportunity you have to rebut your opponents. *(See Part III for arguments to use to counter the typical neighborhood opposition).*

More difficult to address are the emotional arguments (often coming from one neighbor) about any number of nebulous neighborhood concerns. Try to remain unemotional. You should be the rational person in this encounter. The old adage "give them enough rope and they will hang themselves" often applies to a neighbor who unreasonably opposes your family day care home.

c. Create a complete record.
The Planning Commission is a politically appointed body, and there very well may be an instance where your opponents have more "political clout" than you do. This is often the case when a homeowners' association concerned with property values and the preservation of the neighborhood takes a strong stand against family day care. In every case, but more so if you think the decision against you may be political, it is extremely important to make a strong and complete record for your case at the hearing, especially if you plan to appeal a negative decision to the next level within city government or to a court. If there is important factual information that you do not have an opportunity to present orally, submit it to the Commission in writing. Make certain you answer all of the objections about the operation of

your home and demonstrate that you are willing to compromise (where reasonable) in order to satisfy these objections.

Raise every issue at the hearing which is relevant and supports your position to get it on the public record. This would include any objection to the ordinance as it appears in the code either "on its face", or as it is being applied to you. Failure to raise issues at the time of the hearing will preclude your ability to raise these issues in an appeal later on and could mean the difference betweeen a losing case or a successful appeal. *(See Part VI, Legal Challenges)*

d. Timing.

It is important to put your application for a conditional use permit within the political context of your community. If you are in a heated controversy and have a great deal of neighborhood opposition, don't expect that any elected officials are going to rationally consider the pros and cons of family day care as a necessary community service in neighborhoods. They are going to be making a determination about which side of the question will get them the most votes and/or publicity. This is especially true if the hearing comes within 6 months before an election.

Step 9 Know the legal standard you must meet to be granted your permit.

Unfortunately, there are no uniform standards or criteria for granting conditional use permits. The standard will vary from ordinance to ordinance, with some communities having very vague standards while other communities having very specific ones. These standards can range from "not injurious to the neighborhood" to "not adversely affecting the health and welfare of the surrounding neighborhood" to very specific requirements for traffic, noise, parking, etc.

Step 10 Obtain a copy of the planning commission decision.

The decision of the planning agency is usually in the form of a resolution. The content of the resolution typically recites that an application for a particular use has been filed; that a public hearing was held and that due process requirements (i.e. the City properly complied with notice and public hearing requirements) were met; that certain facts as they relate to the applicable ordinance standards were found; that the application is granted, conditionally granted or denied; and that if the grant is conditional, that certain conditions are attached to the grant.

HEARING DO'S AND DON'TS

DO	DON'T
Be organized	Talk too much
Address concerns with facts	Bring in extraneous information
Know any witnesses and what they are going to say	Have witnesses give repetitious testimony
Present your case on its own merits and strengths	Put down other types of child care
Talk to the Planning Commission as if you are explaining the situation to someone sitting in your living room	Read written testimony
	Be argumentative
Deal with the facts as presented in the staff report	Talk about your "right" to do family day care
Let yourself be interrupted because you'll be able to respond to burning questions	Talk about what has or hasn't happened to other providers
	Heckle the opposition
Get your supporters to the hearing	
Make a diagram of the neighborhood with your supporters colored in (if this is to your advantage)	Raise personal arguments
Argue about the needs of the families your program will serve	Be late for the hearing
Ask for questions	
Address erroneous statements made by your opponents	

What If I Lose?

If you lose at the initial hearing, you generally have three options: you can appeal, you can "exhaust your administrative remedies" and sue in court or you can work to change the local law.

1. Appeal. The common practice in most jurisdictions is to have a level of appeal within city goverment. Sometimes this is a second appointed body called the "Board of Permit Appeals," "Board of Zoning Adjustment" or "Board of Zoning Appeals"; in other instances the City Council or its equivalent acts as the hearing board for appeals on use permits. Remember, any party who opposed your permit and lost can also appeal.

   All appeals have strict time lines regarding filing a "notice of appeal." This is usually as short as ten days. Be sure to find out the time lines and procedure for filing a notice of appeal immediately following the hearing, or earlier. There is usually an additional filing fee for appeals.

2. If you lose your appeal at the Board of Appeals, find out if there is another level of appeal within the city government. If there is not, you will have "exhausted your administrative remedies" and you would then be entitled, in most instances, to take your appeal to the court system. *(See Part VI which describes legal challenges to the denial of a use permit and to existing ordinances).*

   However, due to the expense of court costs, lawyers' fees, the time involved and the possible difficulty in overturning the administrative decision******, it may be important to determine whether it makes sense to appeal the decision. It may be cheaper and quicker to work on changing your local law. *(See Part V.)*

   (Appendix E is a sample of one community's conditional use permit process from start to finish.)

Is An Attorney Necessary?

As an author recommended to developers in his book, *A Developer's Guide To Successful Local Government Review*, "Deciding when to bring in your attorney is critical. If the project is complex or facing real opposition, then the sooner the better, because you may not even know when you're confronting legal issues." The same holds true for family day care providers applying for conditional use permits. While a provider is not required to be represented by legal counsel nor is legal representation always essential, a lawyer with experience in handling zoning matters in your community can be of great help. The lawyer can help you understand and maneuver within the use permit process, offer his or her knowledge of the persons involved in making the decision, effectively advocate your position and protect your rights for appeal. For further information on "How to Find and Use a Lawyer" contact the Child Care Law Center for information on its publication with that title.

****** The court must determine whether the agency's findings are supported by substantial evidence in light of the whole record and whether the findings support the decision. The court must resolve reasonable doubts in favor of the agency's findings and decision.

V. Changing Your Local Law

If the providers in your community are:

- finding it impossible to obtain use permits because family day care is considered a business and prohibited in residential neighborhoods, or;
- if the requirements of the current law are overly burdensome and seem to apply more to a center based program than family day care, or;
- if local zoning requirements and state licensing requirements contradict each other, or;
- if your state has a preemption law *(See Part VII)* and your city's laws are not in compliance with it, or;
- if the foreseeable results of enforcement of the zoning laws are that existing homes will close or new providers will not become licensed,

then it is time to seriously consider making changes in your local zoning ordinances as they pertain to family day care.

Analyzing Your Local Law

Once you have a copy of the local zoning ordinance which is being applied to family day care in your hands, it is important to carefully read and analyze it to determine its effects on the operation of family day care homes in your community. As mentioned above, it is also important to have a copy of the general requirements for all conditional use permits (they may be called special use permits, special exceptions, or by some other name in your community) to see if those requirements create some of the barriers, such as cost and hearing procedures, for providers.

Ask the following questions as you read through the ordinance:

1. Is family day care specifically defined in the ordinance or is it lumped with child care centers and/or foster care or other types of residential care? If family day care is specifically defined, are the definitions for family day care homes and group homes (large family day care homes if there is such a category) consistent with licensing definitions found in state law? If the definitions are inconsistent, is it impossible to meet both local zoning requirements and licensing requirements? For example, are the numbers of children allowed for each category consistent?

2. Does the ordinance absolutely prohibit family day care in residential settings ? If the ordinance does absolutely prohibit family day care, this may be arbitrary and unreasonable and may be challengeable in a court of law. These challenges are noted below in Part VI. You will need to consult with a lawyer about this possibility as s/he will need to review decisions in your state to determine whether such a challenge is feasible. Look for a lawyer who has experience with zoning matters.

3. Are there provisions which make it impossible or extraordinarily difficult to operate a family day care home? Examples of such provisions include requirements that the street be wider than the average street in residential neighborhoods; that any employee must live in the home; that there be three or four off-street parking places available or that the off-street parking requirement is in addition to that required for single family dwellings.

that children not be allowed outside for more than two hours; and/or that the play area be set back from neighboring property so far that it results in an unusable outside play area.

4. Is family day care considered a home occupation and therefore subject to home occupation requirements? Are there home occupation requirements that don't fit the family day care situation, such as a limit on the amount of space in the home which can be used for the occupation or a requirement that any employee reside within the home?

5. What is the fee for the permit? How does it compare with the market rate of care? Can a case be made that the fee alone is a barrier to providers coming forward and operating above ground? Does the cost far exceed the reasonable cost of processing the application?

6. Is a hearing required? Is the applicant required to show that the operation of her family day care home will not adversely affect the neighborhood? What is the standard for issuing a conditional use permit, e.g. "not injurious to the neighborhood" or "not adversely affect the health and welfare of the surrounding neighborhood?"

7. Is the residential nature of family day care taken into account? Are there requirements and terminology in the ordinance that make the use of a home as a family day care home appear as a commercial/institutional rather than a residential use of property?

8. Does the ordinance contain provisions which duplicate the requirements of licensing, e.g. regulating numbers of children, hours of operation, programming, etc., and which put the local planning officials in a quasi-licensing role?

Who Can Change the Local Law?

Any local resident, property owner or person affected by a Planning Commission decision can seek to amend a local ordinance. While you can go on a one person campaign to change the law in your community, it is always better to work with a group of providers and other child care advocates to meet your objectives. Not only will you have the combined energy of many people, you will have greatly enhanced your political clout. Ultimately, elected officials vote on any proposed change in the law and they listen more carefully to a voice representing 20 votes than to a voice representing a single vote.

Building a Coalition

Without question, involving different groups of voters in the campaign increases your effectiveness. Your provider association, child care resource and referral agency personnel, child care food program sponsors, parents who use child care and civic, church and women's groups who have made child care a priority are all natural allies. Each group has a unique perspective on the issue which should be utilized. For instance, family day care providers know the specifics of how many cars drive into their neighborhoods at what times, how long children play outdoors everyday, and what the cost of a use permit means in terms of their monthly income. Resource and referral agencies know the overall need for child care in your community and what kinds of care in which neighborhoods are in greatest demand. Parents know what they like about using family day care. Food program sponsors know that regulated care can benefit from their program. Civic groups have identified the need for child care as a problem that warrants their attention.

The most important reason for involving a broad-based coalition in your efforts is the commitment of time and energy that is needed to actually get the law changed. Realistically,

you will need a core group of workers who are willing to devote time and energy to the issue and give mutual support to each other when the going gets rough.

Defining Your Goals

At the outset of your campaign, it is important to sit down with the core group of advocates in your coalition and determine what your objectives are. Each group that is part of the coalition may need to do this separately as well.

You should do this separately from and prior to any meeting with city officials. It is important to utilize a healthy mix of realism and idealism in this process. Ask yourselves the following questions: If you could have any treatment of family day care homes in your community what would it be? What are you likely to achieve? What are the issues you can't compromise on? What are reasonable requirements? reasonable fees? What current requirements cause providers the most problems?

Once you are clear on your objectives, you can meet with the representatives of city government who are going to be essential to making your proposal a reality. Remember you are the experts on family day care. The people you work with in city government -- from the City Attorney to the Planning Department to the City Councilperson's staff -- all have their areas of expertise as well. In an atmosphere of mutual respect, you can all learn much from each other.

The Procedure For Changing Local Law

There are five basic tasks your group must perform:

1. Learn what procedures must be followed, make sure your group complies with them, and plan the timing of your official request to allow you enough time before the first hearing.
2. Plan and carry out pre-hearing activities, including reviewing and providing input on drafts of the proposed ordinance, writing letters, meeting with individual Council members, writing and distributing fact sheets, meeting with your opposition (if it seems appropriate) and dealing with the press.
3. Marshal your supporters through a phone tree or a mailing so that they will write letters and will come prepared to the hearing to speak or to lend visible support to your side.
4. Speak at the hearings.
5. Follow up with phone calls and thank-you's to the Council and Commission members, as well as to your supporters.

(See Appendix F for a sample procedure followed in one community when a change in the Planning Code is desired.)

When the Need to Change the Law Arises in an Emergency

All too often the need to change local zoning laws for family day care becomes apparent in a crisis situation. If a provider has been served with a cease and desist order or a hearing on a particular case is imminent, you may need to take steps to stop or "stay" the enforcement of the ordinance until appropriate changes have been made. To have any hope of a reprieve in an individual case, begin efforts to change the law as soon as possible after the locality has decided to enforce it against a provider. Then you can tell the Planning Department that an amendment is being considered by the Planning Commission and City Council and as a result they should delay enforcement of the zoning law until a decision has been made about changing

the law. This is extremely important if the current law is contradictory to a state law that preempts local requirements regarding zoning for family day care. (*See Part VII State Preemption Laws)* If the Planning Department refuses to delay enforcement, try contacting a local elected official and ask for his/her help in getting a temporary reprieve.

Having the need to change the law arise as a test case can be either an advantage or a disadvantage, depending on the facts of the particular test case. For example, if the city's ordinance prohibits a business use of the home and this is interpreted to include family day care and a licensed, high quality program is asked to shut down, then the unreasonableness of the ordinance is apparent and the facts support the need for the change. If on the other hand, the family day care home came to the attention of the Planning Department through neighborhood complaints and the provider is caring for more children than her licensed capacity (or is not licensed at all) then the case is less likely to result in a local change for the better.

Regular Process

Changing the local zoning ordinance usually begins by talking to either the Planning Department, the Planning Commission or to a member of the City Council. Ultimately, a member of Council will have to introduce the law change unless the problem turns out to be one of how the Department is applying the law, in which case a new administrative interpretation coming from the Department might suffice. Be ready to clearly explain the need to change the local law. Ask them where to begin, the particular steps involved in your community, and how long the process usually takes. You may be asked to request the change in writing.

Once the official request is received, elected officials, administrative departments and/or local rules will likely control the timing of the process. However, you can also be active in timing by applying or lessening pressure on appropriate officials and/or staff. If possible, it is extremely helpful to have the opportunity to meet with the drafters of the proposed ordinance prior to any formal hearing on the proposal. This gives your group the opportunity for input and lessens the numbers of issues that need to be addressed at public hearing. Meetings can be held with representatives of all of the city departments involved.

If the Planning Commission is part of the process (which is usually the case) the first hearing on the ordinance change will be before the Commission, which will then make recommendations to the Council. All of the advice regarding public hearings in Part IV, especially steps 5-7, are equally applicable to a hearing on an ordinance. In addition to having organized testimony and plenty of supporters, it is essential to be able to address concerns raised by both your opposition and by the members of the Planning Commission. Listen carefully to the line of questions and the concerns of the Planning Commission members and offer rebuttal testimony in a friendly, informed manner. Often Commissioners' minds are changed in the course of a hearing.

Once the ordinance passes the Planning Commission, it will generally go to the City Council. You will have to go through the same kind of hearing with them. Council members are free to suggest changes in the proposed amendment, and can freely adopt or ignore the Planning Commission's recommendations. Once again, be clear on the process. In some communities the proposed change will be heard by a sub-committee of the full council. In some communities there will need to be several "readings". Also find out what powers the executive, i.e. the mayor, has in approving or vetoing legislation.

How Do We Lobby Individual Councilmembers?

IMPORTANT NOTE: The following sections were written to provide assistance to providers in their lobbying efforts *when this kind of lobbying is permitted by state law. In some states, lobbying of commission members and/or elected officials is illegal* if the change in law would aid an applicant who is seeking a use permit.

Therefore before communicating personally with any official decision maker, determine from your city attorney what types of contacts are legal. Typically, "ex parte" contacts--contacts between the decision maker and an interested party that takes place without public notice and off the public record--are frowned upon, but the circumstances under which they are illegal vary considerably from state to state, so it is essential that you check your state's requirements before you engage in the lobbying activities described below.

Before you get to the official meeting of the Council or Commission, every member of it should know what your position is and why. Letters, fact sheets, and visits will let them know.

Most Councilmembers have certain blocks of time set aside to meet with constituents. Call the Councilmember's office to ask when he/she meets with people and make an appointment. If you can't meet with the councilmember directly, make an appointment to meet with his/her staff. You should bring no more than five people to the meeting, and one or two is sufficient. Make your meeting brief and to the point. You are looking for their support, and you are ready to hear and answer their concerns about the proposed ordinance. Be sure to introduce yourselves and let the Councilmember know how many voters you represent, i.e. "I'm here on behalf of the Family Day Care Association which represents __providers caring for ___ # of children." If you are representing a coalition of groups, have a written list of all of the groups you represent.

It is important that you stay calm and courteous, even if you become angry in talking with Councilmembers. Even if they insist on calling you "babysitters" or become patronizing or abrasive, remain calm. The Councilmember's feelings and perceptions about women in the workforce, the need for child care, and the value of child care work may all become apparent and you may strongly disagree with many of his/her views. Remember your goal is not to win an argument with them but to educate them so that you can influence their decision. If you argue, the Councilmember will likely "tune you out" and stop listening to you--or vote against you. Polls taken of legislators' views have shown that the traits which usually persuade them are honesty, willingness to discuss both sides of a problem, and being prepared with accurate factual arguments.

In addition to meeting directly with the elected officials or their staff, it is important to reinforce any connections the members of your working group have with these elected officials. Finding someone who is sympathetic to your cause and who also "has the ear" of a Councilmember can be a tremendously effective way to influence that Councilmember's decision.

How To Prepare For Council Meetings

Go and See for Yourself

The best preparation for a Council meeting is to go and see it for yourself before you have to appear at one to get a feeling for the place and the process. Observe which presentations and testimony are effective, who on the council asks questions, the general format for the meeting, and specific procedures in your locale. Since you may be working directly with a

Councilmember sponsoring your amendments, seek his or her advice about testimony at the hearings.

Obtain An Agenda

Obtain an agenda of the meeting for the day that your zoning amendments are scheduled to be heard. It will tell you approximately what time your proposal will be discussed. Most agendas have "old business" and "new business" sections. People who didn't finish their business in other meetings will be listed under "old business" and those items will be taken up first. There may be a short period where citizens can express concerns and complaints about any issue, a kind of "open mike." Make certain that your supporters do not testify during this period. The first time your ordinance amendments are before the council, it will be as "new business."

Your Placement on the Agenda

Where you are on the agenda is very important. If your group is first on the "new business" calendar, you will probably get a chance to speak at that meeting. If you are listed last, they may not get to you at all until their next meeting. This is one reason to try to get moved to the beginning of the agenda. Otherwise you might get all of your supporters to the meeting for nothing. Another reason is that even if the Council does get to you late in the meeting, they will all be too tired to listen closely. Adapt to this situation by consolidating your testimony with fewer speakers. You may want to request that the item be put over until the next meeting when there will be adequate time to fully discuss it. This would put you at the head of "old business" at the next meeting and give your group a chance to present your testimony to a more alert and less irritable City Council.

Once your agenda item does come up, the recommendations of the Planning Commission are usually presented by the Planning Department staff. Testimony is then requested from supporters and opponents of the recommendations. You may request the opportunity to respond to the testimony of your opponents or to questions raised by the Councilmembers but not accurately addressed by the speaker. The Planning Department staff may have the final opportunity to respond to the opposition's concerns.

Your supporters in the audience should be courteous and not boo, clap, or shout out information when others are speaking. It can be very hard to remember this, especially when someone is getting in the "last word" and it is inaccurate. Remember, only the speaker at the podium should be talking.

Plan Your Testimony in Advance

To prepare for the hearing, you should have a meeting of your campaign about two weeks ahead of the scheduled hearing to plan your testimony. Come up with a logical overview of your position, the most important issues to cover, and some assignments about who should address which issue. When lining up supporters to speak at the hearing, strive for a diverse group. Include parents who have used family day care, neighbors who live next door to family day care homes, and civic groups who support the development of adequate child care services. Be cautious about bringing small children to the hearing in order to make your points. If they are forced to sit still or stay up past their naptimes or bedtimes, their presence can become disruptive and its effectiveness can backfire. (The City Council may be thinking "they can't even control the kids here, why should they be allowed to do child care?")

VI. Legal Challenges To Family Day Care Zoning

There are three broad categories of legal challenges which may be available to family day care providers experiencing zoning problems at the local level. In all three categories, consultation with a lawyer will be necessary at the earliest possible stage. A lawyer can determine your legal rights, can determine if there is a legal remedy for your problem and assist you in undertaking any legal challenges available.

The first category of legal challenges involves those instances when an individual family day care provider's application for a use permit is *illegally* denied. If applications to establish family day care homes are routinely denied, it would be wise to consult a lawyer right from the beginning of the process. This is not only so that she/he possibly can change those odds of success but so she/he can raise all the issues at the public hearing which are essential for the later legal challenge, known as an appeal. If issues are not raised at the public hearing you will be precluded from raising them later, and certain issues must be raised if an appeal is to be available at all.

The second sort of legal challenge involves an attack on an existing zoning ordinance, either because it is illegal as it is currently written ("illegal on its face") or because it is being illegally applied ("illegal as applied"). The standards used by lawyers to evaluate whether zoning ordinances are illegal will not be discussed here, due to their technical nature and the need for legal assistance in applying them to specific ordinances. Nevertheless, if you, your provider association or your resource and referral agency have access to a lawyer, it would be useful to request them to evaluate the legality of the current zoning ordinance, either "as written" or "as applied." This would be especially useful if family day care is absolutely forbidden or if severe restrictions make it virtually impossible for providers to obtain permits. Legal advice will also be necessary to determine which persons or agencies may lawfully bring challenges to existing ordinances.

The third type of legal challenge, which actually is a subset of the second type described above, involves a challenge to an existing local ordinance *specifically because it does not comply with a state zoning preemption statute. (See Section VII which follows, which describes state preemption laws in greater detail.)* For example, if the state zoning preemption declares that small family day care homes must be permitted by right in residential zones and your local ordinance, adopted many years before, still forbids theses homes in residential zones, a legal challenge may be in order. Again, consultation with a lawyer will be necessary to determine whether a legal challenge is appropriate and who may raise the challenge.

VII. Enacting State Preemption Laws

What States are Doing

As this *Guide* went to press, legislatures in 13 states had enacted state legislation which limits or directs in some way what local governments can do regarding zoning for family day care homes. These states are: California, Connecticut, Florida, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Oregon, Vermont and Wisconsin. *(See Appendix G Family Day Care State Zoning Preemption Legislation Chart).* These statutes vary widely in the scope of family day care homes covered (some address only the small home while others also cover the large or group home), their content and their effect. At a minimum, they typically state that the small family day care home may not be prohibited in residential zones. The statutes most favorable to family day care state that for purposes of local zoning ordinances, family day care shall be considered a residential use of property, they may not be prohibited in residential or commercial zones, and must be permitted by right (no conditions imposed) in all residential zones.

Why Preemption?

Preemption statutes have been advocated for in most cases because local governments proved to be indifferent or hostile to the establishment of family day care homes. This indifference or hostility has occurred even though the state officially recognized, supported and was in need of more family day care. States had already preempted the arena of licensing, recognizing the importance of consistency in developing and enforcing minimum standards for the protection of children. While zoning has always been a peculiarly local function, advocates argued successfully that in the case of family day care homes there was: (1) very little in the way of local conditions justifying such wide ranging differences in the local zoning treatment of family day care homes from community to community, and (2) no justification for absolute prohibition of homes in any community, regardless of local conditions. Local zoning ordinances were acting as a major barrier to the development of family day care supply and the states' interest in building child care supply, the advocates argued, should outweigh local interests in maintaining zoning authority over these homes, particularly because the actual impacts of the homes were so negligible.

The advantages of a state preemption statute are many. They include: (1) the removal of prohibitions and/or onerous conditions, thereby helping to expand supply, (2) providing a basis to enforce consistency from community to community in how family day care is treated and (3) providing an effective means of recourse for providers to challenge their city's action or inaction regarding the zoning of family day care. In the most favorable preemption statutes, the laws not only eliminate zoning problems but building, fire, business tax and private restriction problems as well. A model state preemption statute is found in Appendix H.

AN HISTORICAL NOTE: Statewide family day care zoning preemption laws are modeled after similar statewide zoning preemption laws passed for group homes serving the developmentally or physically disabled on a 24-hour residential basis. These laws became necessary because of local resistance to the siting of these of these facilities.

Problems with Preemption

Home Rule

In some states, the relationship between the state and local governments prohibits the state from enacting legislation which directs local government regarding zoning and planning. For example, in Georgia, state constitutional provisions explicitly prohibit the state legislature from passing general zoning laws. Child care advocates in Georgia were able to get a state preemption law through the legislature only to have it vetoed by the Governor because of these prohibitions. In other states, preemption will not be absolutely prohibited but it may be restricted. To determine whether the preemption approach is feasible, you might first inquire about whether your state already has zoning preemption for group homes. Additionally, you could contact an interested legislator who could check into the legality of such an approach.

Local Control

The leading opponents of any state preemption legislation will be local governments themselves. Since zoning is such a particularly local issue--how land in a particular community will be used--there are strong proponents of the concept that all land use decisions should be made locally without the interference of the state. In most states where preemption laws have been passed, the League of Cities or League of Municipalities was the strongest voice in opposition.

Implementation

Even when the state legislature passes a preemption ordinance, it still must be implemented at the local level. This means that local laws need to be revised to reflect the mandates of the state law. Often localities do not know about the changes in the law and it is up to advocates to both provide information about the state preemption language and to lead the way in bringing local laws into compliance with it. In essence, the job of changing the local law *(See Part V)* must be done. The advantage of doing it with the aid of state preemption legislation is that the locality is *required* to allow (if the state preemption legislation reads "shall not prohibit") family day care and is sometimes limited regarding what kinds of conditions can be imposed. If your state preemption legislation makes family day care a permitted use, then the job of changing local law is much easier--requirements regarding conditions and permits just need to be deleted.

Tactics for the Passage of a Statewide Zoning Preemption Statute

Family day care advocates in each of the 13 states which have passed statewide zoning preemption laws all have different stories to tell. There were variations in what finally caused them to advocate for their preemption bill, who the players were that advocated for the bill, who the opponents were, the nature of the opposition, what their most successful arguments were. Even so, every story will likely provide you with some useful information to help you in your efforts, so as a first step, you might want to contact the resource and referral agencies located in the states listed in Appendix G for further information. These R & Rs were very likely involved or will likely know of key persons or groups for you to contact.

Many of the suggestions found in Part V, Changing Local Law, will be equally applicable in changing state law. But there will also be unique aspects because this will be a *statewide* bill, involving the *state* legislative process and involving *statewide* groups which may not become involved at the local level. Some general areas you likely will have to consider include:

1. How your state legislative process works;

2. How to gather and effectively present statewide information on family day care supply; the numbers of cities prohibiting family day care or placing onerous conditions upon it, etc., emphasizing how the time, effort and cost involved is directly affecting the availability of care, thinking carefully about *what* material ought to be presented and *how* it should be presented;

3. How to use existing advocates effectively and how to build bridges and build a more expansive coalition in support of a zoning preemption law;

4. How to meet the opposition, including possible negotiation sessions with the League of Cities or similar entities; and

5. Whether zoning preemption ought to be considered by the Legislature in a separate bill or whether it ought to be folded into more broadly based child care legislation.

This list provides only some basic points of concern. There are many other considerations which ought to be taken into account when stategizing for legislative changes at the state level.

Appendix H provides language for a model state preemption statute on family day care.

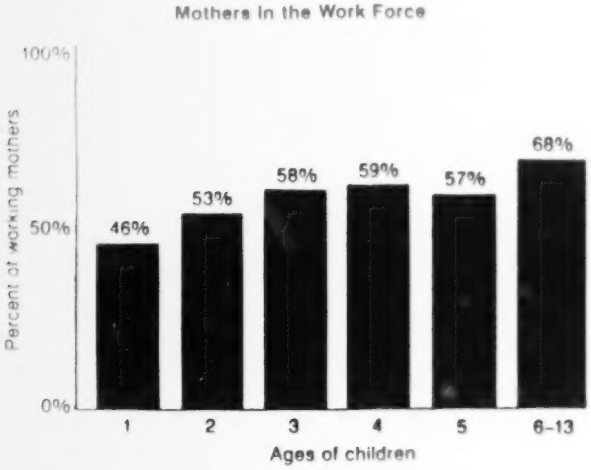
Appendix I is a *general* checklist to assist you if you do seek a sponsor to carry a statewide zoning preemption bill. It asks the questions which it will be necessary to answer before you will be able to move forward successfully. For further information regarding general advocacy, contact child care advocacy groups in your state and the groups listed in Appendix C which are involved in national advocacy.

Child Care Fact Sheet

Working Mothers and Children

In 1984, 60.5% of all women with children under 18 years old worked outside the home.

The highest increase in the rate of labor force participation was in women with children under 3 years old.



Cites: Bureau of Labor Statistics
Conference Board
Children's Defense Fund

In 1984, 1 in every 4 mothers in the work force was maintaining her own family.

Women work out of economic need. In March 1985, over 6.3 million women with children under 18 years old were single, divorced, separated, or widowed.

In 1984, 32.7 million or 56% of all children had mothers in the work force.

Numbers of children	Ages of children
9.34 million	0–5
14.75 million	6–13
8.61 million	14–17

The 24.09 million children age 13 and under were cared for in a variety of ways while their parents worked.

Types of care	Estimated numbers of children
family day care	5.5 million
child care centers	1.5 million
own homes, care by relatives or non-relatives or other arrangements	10.09 million
self care	7.0 million

Affordable, high quality child care is the combined responsibility of parents, providers, employers, and federal and state governments.

Parents, however, must determine what they consider important attributes of a care provider and of a nurturing environment for their child. The following factors are indicators of a high quality environment for children:*

- children are safe and well nourished
- children have adequate space
- ample materials and equipment for learning are provided
- staff are trained in child development and teaching methods
- there is good planning and organization, and
- strong links to parents are maintained

*NAEYC

About the Commission: The National Commission on Working Women was created to focus on the needs and concerns of the approximately 80% of women in the work force who are concentrated in low-paying, low-status jobs in service industries, clerical occupations, retail stores, factories, and plants.

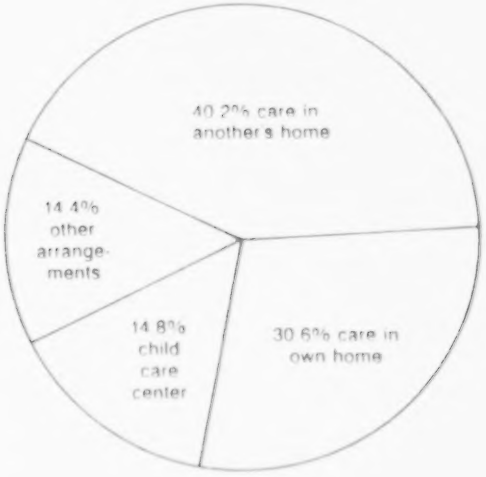
The NCWW encourages broad distribution of this fact sheet. Those interested in reproducing it are simply required to inform our office.

National Commission on Working Women 2000 P St. N.W., Suite 508, Washington, DC 20036 202 872-1782

Child Care Fact Sheet

Kinds of Child Care

In 1982, over 55% of all working women chose care outside of their homes for their children under age 5. The rest chose care in their own homes or had other arrangements.



Care in another's home—family day care—40.2%

The largest percentage of children are cared for in family day care homes, especially infants and children under 3 years old. About 75% of care is given by non relatives, while about 25% is provided by relatives.

Center care—14.8%

Child care centers include infant, preschool and mixed age centers accommodating groups of children. More and more women are choosing center care as the availability of centers increases. Most children in centers are 3–5 years old.

Care in own home—30.6%

Most care given in a working mother's own home is given by the father or another relative. Few parents can afford a full-time paid child care provider in their own home.

Other arrangements—14.4%

About 10% of working mothers care for their children themselves at their place of work. In addition, many mothers make part-time arrangements with more than one caregiver to cover their child's care throughout the day (i.e., nursery school in the morning, a neighbor's home in the afternoon).

Women leaving work for childbirth and care of infants

In 1984, 60% of all working women had no paid "parental (maternity) leave."

Paid time off from work to accommodate pregnancy and childbirth is called disability leave. Only 40% of women in 1984 were covered by some form of disability insurance or an employer's paid parental (maternity) leave policy. The Pregnancy Disability Act of 1978 prohibits discrimination because of pregnancy and requires insured wage compensation for the period (usually 6 to 8 weeks) a woman cannot work, if her employer provides other kinds of short term disability coverage. Some employers have a paid or unpaid "parental leave" policy (generally 4 to 16 weeks) which allows a woman time off from work to care for her newborn child. Women who are not covered by any policy often must use a combination of sick days, vacation days, and leave without pay during this period.

Children who care for themselves

By conservative estimates there are 7 million children aged 13 and under who care for themselves for at least part of every day while their parents work. Often brothers and sisters are responsible for younger siblings. There is an urgent need to make before and after school care for these "latchkey" children a national priority.

Cites: Census Bureau
Association of Junior Leagues
Children's Defense Fund
Women's Legal Defense Fund

National Commission on Working Women 2000 P St. N.W., Suite 508, Washington, DC 20036 202-872-1782

Child Care Fact Sheet

Affordability, Quality, and Wages: The Link

While costs vary according to the age of the child, most working families can expect to spend 10% of their income on child care.

Kind of care	Age of child	Yearly cost range
family day care	0-2	$1500-3250 +
	3-5	1500-3000
center care	0-2	1750-3800 +
	3-5	1750-3800
	6-13	900-1500

In 1984, the median annual income of female heads of household in the labor force with children under 18 years old was $13,213. Ten percent of $13,213 would not cover the cost of the least expensive preschool care.

In 1984, there were an estimated 2 to 3 million child care providers in the U.S. The majority earned minimum wage or less.

Center workers earn an average of $9200 per year, with the middle 50% of workers making between $6800 and $12,500. Family day care workers average about $1.00 per hour per child. The National Day Care Home Study (1981) estimated that 87% of family day care workers earn less than minimum wage. In 1984, 96% of all child care providers were women.

In 1980, the turnover rate of child care providers in centers was 41.7%; for family day care providers the rate was even higher.

Low pay, lack of benefits, and stressful working conditions are the major reasons child care providers leave their jobs in such high numbers. The rate for other occupations averages around 20%.

Only half (50.5%) of women entitled to child support received full payment in 1983. The other half received partial payment (25%) or no payment at all (24%).

The Child Support Enforcement Amendment of 1984 mandates the collection of support payments from non-custodial parents. If full payment of entitled child support had been paid in 1983, 80,000 fewer families would have lived in poverty, and many more would have been able to afford child care for their children.

Training of providers is essential to high quality child care.

Forty-two states do not require any special training in child care for staff, and only 24 states require any child development training for directors of centers. Federal and state governments support the Child Development Associate (CDA) credential, a competency-based program to train center workers and family day care and infant care providers. Lack of funds for in-service training and low wages act as barriers to increasing the number of well-trained child care professionals.

The ratio of child care providers to children and the size of the group of children are important factors in the quality of care.

Care providers can spend more time with each child if the provider/child ratio is small. Optimal ratios are:

Age of child	Ratio of providers to children
infants	1:3
1-2 years	1:4 or 5
3-5 years	1:7-9
6-13 years	1:25

Children under 3 years old should be in groups of 12 or less and 3-5 year olds in groups of 20 or less with the appropriate number of providers.

In 1984, of the 1 million child abuse cases reported to the American Humane Society, less than 1.5% were sexual abuse cases involving child care providers or babysitters.

Despite the recent publicity concerning sexual abuse in a small number of centers, the majority of child abuse occurs in the home by a parent, relative, or family friend. Child care programs have played an important role in the detection and treatment of abused children and their parents.

Cites: Conference Board
Bureau of Labor Statistics
Children's Foundation
Department of Health and Human Services

National Commission on Working Women 2000 P St. N.W., Suite 508, Washington, DC 20036 202 872 1782

NATIONAL DIRECTORY OF CHILD CARE RESOURCE AND REFERRAL AGENCIES
APPENDIX B

ALABAMA

Childcare Resources
309 23rd Street North
Birmingham, AL 35203
(205) 252-1991

Jefferson County Child Development Council-
Child Care Connections
1608 13th Avenue So., Suite 221
Birmingham, AL 35205
(205) 933-1095

Family Guidance Center
925 Forest Avenue
Montgomery, AL 36106-1098
(205) 262-6669

ALASKA

Child Care Connection
825 L Street
Anchorage, AK 99510
(907) 279-5024

Department of Community & Regional Affairs
949 E. 36th, Suite 400
Anchorage, AK 99508
(907) 563-1955

ARIZONA

Association for Supportive Child Care
2218 So. Priest, Suite 119
Tempe, AZ 85282
(602) 829-0500

Parent Child Care Resource Network
Tucson Association for Child Care, Inc.
1030 N. Alvernon Way
Tucson, AZ 85711
(602) 881-8940

ARKANSAS

Unable to identify any R & Rs

CALIFORNIA

ALAMEDA COUNTY

Community Child Care Coordinating Council
of Alameda County
22430 Foothill Blvd.
Hayward, CA 94541
(415) 582-2182

Resources for Family Development
1520 Catalina Court
Livermore, CA 94550
(415) 455-5111

Bananas
6501 Telegraph Avenue
Oakland, CA 94609
(415) 658-7101

ALPINE COUNTY

Choices for Children
Woodfords House
P.O. Box 47
Markleeville, CA 96120
(916) 694-2129

AMADOR COUNTY

Mountain Family Services Agency
1001 Broadway, Suite 103
Jackson, CA 95642
(209) 754-1028

BUTTE COUNTY

Valley Oak Children's Serv. Inc.
1024 The Esplanade
Chico, CA 95926
Bus. (916) 895-1845

CALAVERAS COUNTY

Mountain Family Services Agency
P.O. Box 919
San Andreas, CA 95249
(209) 754-1028

COLUSA COUNTY

Child Care Resource and Referral
Colusa County Supt. of Schools
741 Main Street
Colusa, CA 95932
(916) 458-7711

CONTRA COSTA COUNTY

Contra Costa Children's Council
3020 Grant Street
Concord, CA 94520
(415) 676-5442

DEL NORTE COUNTY

Del Norte Child Care Council
P.O. Box 1350
Crescent City, CA 95531
(707) 464-8311

EL DORADO COUNTY

Choices for Children
3441 Spruce
P.O. Box 413
South Lake Tahoe, CA 95705
(916) 541-5848

FRESNO COUNTY

Central Valley Children's Services Network
841 N. Fulton Avenue
Fresno, CA 93728
(209) 264-0200

GLENN COUNTY

Valley Oak Children's Services
629 First Street
Orland, CA 95965
(916) 625-5625

HUMBOLDT COUNTY

Humboldt Child Care Council
805 Seventh Street
Eureka, CA 95501
(707) 444-8293

IMPERIAL COUNTY

Imperial County Office of Education
Child Devel. Service
1398 Sperber Road
El Centro, CA 92243
(619) 339-6431

INYO COUNTY

Community Connection for Child Care
407 West Line #6
Bishop, CA 93514
(619) 873-5123

KERN COUNTY

Community Connection for Child Care
420 18th Street
Bakersfield, CA 93301
(805) 322-7633

KINGS COUNTY

King's County Community Action Organization
Resource and Referral
122 West Lacey Boulevard
Hanford, CA 93230
(209) 582-4386

LAKE COUNTY

Rural Communities Child Care
2559 Lakeshore Boulevard
Lakeport, CA 95453
(707) 263-4688

LASSEN COUNTY

Lassen Child Care Resource and Referral
1850 Main Street
Susanville, CA 96130
(916) 257-9781

LOS ANGELES COUNTY

Equipoise Endeavor Children's Services
216 East Bennett
Compton, CA 90220
(213) 537-9016

Crystal Stairs, Inc.
101 N. La Brea Avenue, Suite #100
Inglewood, CA 90301
(213) 673-3355

Children's Home Society of CA
920 Atlantic Avenue, Suite D
Long Beach, CA 90813
(213) 436-3201

Child, Youth and Family Services
1741 Silverlake Boulevard
Los Angeles, CA 90026
(213) 664-2937

Mexican American Opportunity Foundation
664 Monterey Pass Road
Monterey Park, CA 91754
(818) 289-0286

Child Care Information Service
330 S. Oak Knoll Avenue, Room 26
Pasadena, CA 91101
(818) 796-4346

Pomona Unified School District
Pomona Child Care Information Serv.
153 E. Pasadena Street
Pomona, CA 91767
(714) 629-5011

Options-A Child Care & Human Services Agency
1046 S. San Gabriel Boulevard
San Gabriel, CA 91776
(818) 309-9117

Connections for Children
1539 Euclid Street
Santa Monica, CA 90404
(213) 393-5422

Child Care Resource Center
of the San Fernando Valley
14410 Sylvan Street, Suite 116
Van Nuys, CA 91401
(818) 781-7099

MADERA COUNTY

Madera County Resource and Referral Child Care
110 North D Street, Suite 102
Madera, CA 93638
(209) 673-2284

MARIN COUNTY

Project Care for Children
828 Mission Avenue
San Rafael, CA 94901
(415) 454-7959

MARIPOSA COUNTY

Mariposa Child Care Resource & Referral
5131 Highway 140 #4
P.O. Box 1898
Mariposa, CA 95338
(209) 966-4474

MENDOCINO COUNTY

Rural Communities Child Care
413A North State Street
Ukiah, CA 95482
(707) 462-1954

MERCED COUNTY

Children's Services Network of Merced County
616 W. Main Street
Merced, CA 95430
(209) 722-3804

MODOC COUNTY

Modoc Child Care Resource & Referral
839 N. Main Street
P.O. Box 1011
Alturas, CA 96107
(916) 233-5437

MONO COUNTY

Community Connection for Child Care
P.O. Box 8571
Mammoth Lakes, CA 93546
(619) 934-3343

MONTEREY COUNTY

Mexican American Opportunity Foundation
1021 Montana
Salinas, CA 93905
(408) 757-0775

NAPA COUNTY

Rainbow Child Care Council
1801 Oak Street
Napa, CA 94558
(707) 253-0366

NEVADA COUNTY

Community Services Council
P.O. Box 718
Grass Valley, CA 95945
(916) 272-5970

ORANGE COUNTY

Children's Home Society of California
1823 East 17th Street, Suite 123
Santa Ana, CA 92701
(714) 835-8252

PLACER COUNTY

Motherlode Childcare Assistance Network
1098 Melody Lane #102
Roseville, CA 95678
(916) 624-5436

PLUMAS COUNTY

Plumas Rural Services, Inc.
P.O. Box 1079
Quincy, CA 95971
(916) 283-4453

RIVERSIDE COUNTY

Coordinated Child Care R & R
Riverside County Schools
P.O. Box 868
Riverside, CA 92502
(714) 788-6610

SACRAMENTO COUNTY

Child Action, Inc.
2103 Stockton Boulevard #B
Sacramento, CA 95817
(916) 453-1110

SAN BENITO COUNTY

Growth & Opportunity, Inc.
Resource & Referral
16430 Monterey Road
Morgan Hill, CA 95037
(408) 637-9205

SAN BERNARDINO COUNTY

San Bernardino County Superintendent of Schools
Child Development Services
601 North E. Street
San Bernardino, CA 92410
(714) 387-3114

SAN DIEGO COUNTY

YMCA Childcare Resource Service
1033 Cudahy Place
San Diego, CA 92110
(619) 275-4800

SAN FRANCISCO COUNTY

Children's Council/Childcare Switchboard
1435 Market Street
San Francisco, CA 94103
(415) 647-0778

Wu Yee Resource & Referral Center
777 Stockton Street, Suite 202
San Francisco, CA 94108
(415) 391-8993

SAN JOAQUIN COUNTY

Family Resource & Referral Center
1149 N. El Dorado Street, Suite C
Stockton, CA 95202
(800) 526-1555

SAN LUIS OBISPO COUNTY

EOC-Child Care Resource Center
880 Industrial Way
San Luis Obispo, CA 93401
(805) 544-4355

SAN MATEO COUNTY

Child Care Coordinating Council of
San Mateo County, Inc.
1838 El Camino Real, Suite 214
Burlingame, CA 94010
(415) 692-6647

SANTA BARBARA COUNTY

Children's Resource Center
1124 Castillo Street
Santa Barbara, CA 93102
(805) 963-6632

SANTA CLARA COUNTY

Growth & Opportunity, Inc.
Resource & Referral
16430 Monterey Road
Morgan Hill, CA 95037
(408) 779-9343

Palo Alto Community Child Care
3990 Ventura Court
Palo Alto, CA 94306
(415) 493-2361

Community Coordinated Child Development
Council of Santa Clara County, Inc.
160 E. Virginia Street
San Jose, CA 95112
(408) 947-0900

Child Care Resource Center
Administration Building
859 Escondido Road
Stanford, CA 94305
(415) 723-2660

SANTA CRUZ COUNTY

Child Development Resource Center
809 H Bay Avenue
Capitola, CA 95010
(408) 476-7140 Ex. 282

SHASTA COUNTY

Shasta County Office of Education
Child Care Referral & Education
1644 Magnolia Avenue
Redding, CA 96001
(916) 244-4600 Ext. 213

SIERRA COUNTY

Community Services Council
P.O. Box 805
Loyalton, CA 96118
(916) 993-4878

SISKIYOU COUNTY

Siskiyou Child Care Council
P.O. Box 500
Weed, CA 96094
(916) 938-2748

SOLANO COUNTY

Solano Family & Children's Council
746 N. Texas Street, Suite G
Fairfield, CA 94533
(707) 642-5148 or (707) 422-2881

SONOMA COUNTY

River Child Care
16315 First Street
Guerneville, CA 95446
(707) 887-1809

Community Child Care Council of Sonoma County
1212 College Avenue
Santa Rosa, CA 95404
Bus. (707) 544-3170

STANISLAUS COUNTY

Child Care Resource & Referral
Stanislaus County Dept. of Education
801 County Center III Court
Modesto, CA 95355
(209) 571-5049

SUTTER COUNTY

Children's Home Society of California
670 Joy Way #C
Yuba City, CA 95991
(800) 552-0400

TEHAMA COUNTY

Tehama County Child Care Referral & Education
1156 N. Jackson Street
Red Bluff, CA 96080
(916) 529-3131

TRINITY COUNTY

Child Care Project
P.O. Box 1746
Weaverville, CA 96093
(916) 623-2542 or (916) 628-4565

TULARE COUNTY

Resource & Referral Services
Tulare County Child Care Educational Program
7000 Doe Street
Visalia, CA 93291
(209) 651-3026

TUOLUMNE COUNTY

Infant/Child Enrichment Services
14326 Tuolumne Road
Sonora, CA 95370
(209) 533-0377

VENTURA COUNTY

Child Development Resources
Resource and Referral Center
P.O. Box 6009
Oxnard, CA 93031
(805) 487-4931 (805) 659-1413

YOLO COUNTY

City of Davis-Child Care Services
23 Russell Boulevard
Davis, CA 95616
(916) 756-3747

Child Action, Inc.
500 First Street
Woodland, CA 95695
(916) 666-5082

YUBA COUNTY

Children's Home Society of CA
760 Joy Way #C
Yuba City, CA 95991
(800) 552-0400

COLORADO

Boulder Child Care Support Center
P.O. Box 791
Boulder, CO 80306
(303) 441-3564

Work & Family Consortium
999 18th Street, Suite 1615
Denver, CO 80202
(303) 293-2444

Mile High United Way
2505 18th Street
Denver, CO 80211-3907
(303) 433-8900

YWCA OF Metropolitan Denver
1038 Bannock Street
Denver, CO 80204
(303) 825-8141

The Women's Center
649 Remington Street
Ft. Collins, CO 80524
(303) 484-1902

Child Care Clearinghouse
1129 Colorado Avenue
Grand Junction, CO 81501
(303) 242-4453

Children's Resource Network of Weld County
P.O. Box 369
LaSalle, CO 80645
(303) 284-5535

The Loveland Resource Center
320 E. Third Street
Loveland, CO 80537
(303) 663-2288

CONNECTICUT

Childcare Resource & Referral Service
117 Osborne Street
Dansbury, CT 06810
(203) 794-1180

Info Line, North Central
900 Asylum Avenue
Hartford, CT 06105
(203) 249-6850

Child Care Info Line
7 Academy Street
Norwalk, CT 06850
(203) 853-9109

Help Unlimited, Inc.
285 Main Street
Onkville, CT 06779
(203) 274-7511

Child Care Council of Westport-Weston, Inc.
245 Post Road East
Westport, CT 06880
(203) 226-7007

Working Parent Solutions, Inc.
40 Lennox Avenue
Windsor, CT 06095
(203) 688-8442

DELAWARE

Child Care Connection
213 Greenhill Avenue
Wilmington, DE 19805
(302) 428-3993

DISTRICT OF COLUMBIA

Washington Child Development Council
2121 Decatur Place NW
Washington, DC 20008
(202) 387-0002

Council of Governments
1875 Eye Street, NW Suite 200
Washington, DC 20006
(202) 223-6800

FLORIDA

Child Care Resource & Referral
551 S.E. 8th, Suite 500
Del Ray, FL 33483
(407) 265-2423

Child Care Connection of Broward County/
Early Childhood Development Asscіation
4740 N. State Road 7, Bldg C, Suite 200
Ft. Lauderdale, FL 33319
(305) 486-3900

Alachua County Coordinated Child Care, Inc.
P.O. Box 12334
Gainsville, FL 32604
(904) 373-8426

Latchkey, Inc.
1712 E. Bay Dr., Suite H
Largo, FL 34641
(813) 581-7134

Metro-Dade Division of Child
Development Services
111 N.W. First Street, Suite 2210
Miami, FL 33128-1985
(305) 375-4670

Community Coordinated Child Care
for Central Florida, Inc.
1612 E. Colonial Drive
Orlando, FL 32803
(407) 894-8393

Pinellas County License Board
for Children's Centers & Family
Day Care Homes
4140 49th Street North
St. Petersburg, FL 33709
(813) 521-1850 or (813) 521-1853

GEORGIA

Save the Children/Child Care Solutions
1340 Spring Street, N.W. Suite 200
Atlanta, GA 30309
(404) 885-1578

Save the Children Information & Referral
4 Harris Street
Carrollton, GA 30117
(404) 834-7879

HAWAII

Child Care Information & Referral Service
Hawaii YWCA
145 Ululani Street
Hilo, HI 96720
(808) 935-7141

PATCH (People Attentive to Children)
419 Waiakamilo Road, #203A
Honolulu, HI 96817
Bus. (808) 842-3097

IDAHO

Child Care Connections
P.O. Box 6756
Boise, ID 83707
(208) 343-KIDS

S.E. Idaho Community Action Agency
P.O. Box 940
Pocatello, ID 83204
(208) 232-1114

ILLINOIS

Day Care Action Council of Illinois
4753 N. Broadway, Suite 726
Chicago, IL. 60640
(312) 561-7900

JAC/FIRST/ (Jane Addams Hull House)
3212 N. Broadway
Chicago, IL 60657
(312) 549-1631

DeKalb County Coordinated Child Care
145 Fisk Avenue
Dekalb, IL 60155
(815) 758-8149

Evanston Committee for Community
Coordinated Child Care
518 Davis Street
Evanston, IL 60201
(312) 475-2661

YMCA-DuPage Childcare Resources
1880 Glen Ellyn Road
Glendale Heights, IL 60139
(312) 858-4863

Illinois Child Care Bureau
512 Burlington #104
La Grange, IL 60525
(312) 579-9880

Association for Child Development
P.O. Box 1370
La Grange Park, IL. 60525
(312) 354-0450

Day Care Resources Information &
Referral Services
320 E. Jackson
Morton, IL 61550
(309) 263-8287

BASICS
P.O. Box 604
Park Forest, IL 60466-0604
(312) 754-0983 (312) 748-2378

Child Care Resource Service - University of Illinois
1105 W. Nevada
Urbana, IL 61801
(217) 333-3869

Child Care Information & Referral Services
YWCA of Lake County
445 North Genesee Street
Waukegan, IL 60085
(312) 662-4248

INDIANA

YWCA
2000 Wells Street
Fort Wayne, IN 46808
(219) 424-4908

YWCA
4460 Guion Road
Indianapolis, IN 46254
(317) 299-2750

Tippecanoe County Child Care, Inc.
P.O. Box 749
Lafayette, IN 47902
(317) 742-4033

4-C for the Wabash Valley
619 Washington Avenue
Terra Haute, IN 47802
(812) 232-3952

IOWA

Polk County Child Care Resource Center
1200 University, Suite F
Des Moines, IA 50314
(515) 286-2004

Marshall County Child Care Services
P.O. Box 833
Marshalltown, IA 50158
(515) 753-9332

Child Care Coordination & Referral Services,
Exceptional Persons, Inc.
2530 University Avenue
Waterloo, IA 50701
(319) 232-6671

KANSAS

Reno County Child Care Association
103 S. Walnut
Hutchinson, KA 67501
(316) 669-0291

Family & Children's Service, Inc.
5424 State Avenue
Kansas City, KS 66102
(913) 287-1300

Johnson County Child CareAssociation
5311 Johnson Drive
Mission, KA 66205
(913) 262-2273

The Day Care Connection
8931 W. 75th Street
Overland Park, KS 66204
(913) 648-0424

Every Woman's Resource Center
Pozez Education Center, 2nd Floor
1505 S. West 8th Street
Topeka, KS 66606
(913) 357-5171

Child Care Association of Wichita/
Sedgwick County
1069 Parklane Office Park
Wichita, KS 67218
(316) 682-1853

KENTUCKY

Child Care Council of Kentucky
880 Sparta Court, Suite 104
Lexington, KY 40504
(606) 254-9176

Community Coordinated Child Care
1355 S. Third Street
Louisville, KY 40214
(502) 636-1358

LOUISIANA

Kinderhaus, Inc.
5201 W. Napoleon Avenue
Metairie, LA 70001
(504) 454-2424

St. Mark's Community Center
1130 N. Rampart Street
New Orleans, LA 70116
(504) 529-1681

MAINE

Penquis Child Care Services
161 Davis Road
Bangor, ME 04401
(207) 947-4100

Diocesan Human Relations Services, Inc.
87 High Street
Portland, ME 04101
(207) 871-7449

Finders/Seekers
P.O. Box 278
South Paris, ME 04281
(800) 543-7008

MARYLAND

LOCATE Childcare
Maryland Committee for Children
608 Water Street
Baltimore, MD 21202
(301) 752-7588

Babysitting Referrals/Choice Nanny
P.O. Box 991
Columbia, MD 21044
(301) 465-9659

Child Care Connection, Inc.
332 W. Edmonston Drive
Rockville, MD 20852
(301) 279-1276

MASSACHUSETTS

Child Care Resource Center
552 Massachusetts Avenue
Cambridge, MA 02139
(617) 547-1063

Pre-School Enrichment Team, Inc.
276 High Street
Holyoke, MA 01040
(413) 536-3900

Child Care Circuit
190 Hampshire Street
Lawrence, MA 01840
(617) 686-4288 (617) 592-8440

Child Care Search
11 Kearney Square
Lowell, MA 01852
(617) 452-6445

PACE, Inc. Child Care Resource Exchange
4 Park Place/P.O. Box D 626
New Bedford, MA 02740
(508) 999-9930

Resources For Child Care
311 North Street
Pittsfield, MA 01201
(413) 499-7983

Community Care For Kids
1509 Hancock Street
Quincy, MA 02164
(617) 479-8181

Child Care Resource Connection
17 Tremont Street
Taunton, MA 02780
(508) 823-9118

PHPCC/CCR & RC
200 Fifth Avenue
Waltham, MA 02154
(617) 890-8781

Child Care Connection
United Way of Central Massachusetts
484 Main Street, #300
Worcester, MA 01608
(617) 757-5631

MICHIGAN

Gratiot County Child Advocacy 4C
503 North State Street
Alma, MI 48801
(517) 463-1422

Child Care Coordinating &
Referral Service/Washtenaw 4-C
408 N. First Street
Ann Arbor, MI 48103
(313) 662-1135

4-C's of Detroit/Wayne County
5031 Grandy
Detroit, MI 48211
(313) 579-2777

Flint Genesee County 4-C Association
202 E. Boulevard Drive, Suite 220
Flint, MI 48503
(313) 232-0145

Community Coordinated Child Care
of the Upper Penninsula
P.O. Box 388
Gladstone, MI 49837
(906) 428-1919

Kent County Coordinated Child Care
1432 Wealthy Street, SE
Grand Rapids, MI 49506
(616) 451-8281

Ottawa County 4-C/SCAN
533 Michigan Avenue
Holland, MI 49423
(616) 396-8151

Child Care Resource & Referral of Kalamazoo
Nazareth College
3333 Gull Road
Kalamazoo, MI 49001
(616) 349-3296

Office for Yound Children/Ingham County 4-C
P.O. 30161
Lansing, MI 48909
(517) 887-6996

Community Coordinated Child Care
(4-C) - Oakland
P.O. Box 98
Pontiac, MI 48056
(313) 858-5140

Child Care Council
Northwestern Michigan College
P.E. 102
Traverse City, MI 49864
(619) 922-1115

MINNESOTA

Child Care Information Network
1006 W. Lake Street
Minneapolis, MN 55408
(612) 823-7243

Child Care Resource Center & Library
3602 Fourth Avenue South
Minneapolis, MN 55409
(612) 823-5261

Child Care Resource & Referral, Inc.
2116 SE Campus Drive
Rochester, MN 55904
(507) 287-2020

Resources for Child Caring, Inc.
906 N. Dale Street
St. Paul, MN 55103
(612) 488-7284

MISSISSIPPI

No identified R & Rs

MISSOURI

Young Women's Christian Association
of Kansas City
1000 Charlotte
Kansas City, MO 64106
(816) 842-7538

Child Day Care Associatio(CDCA)
915 Olive Street, Suite 913
St. Louis, MO 63101
(314) 241-3161

MONTANA

Family Resource, Inc.
1610 Flowerree
Helena, MT 59601
(406) 443-6309

Child Care Resources
Worden & Phillips
P.O. Box 7038
Missoula, MT 59807
(406) 728-6446

NEBRASKA

Omaha Child Care Referral, Inc.
5015 Dodge
Omaha, NE 68132
(402) 551-2379

NEVADA

Bureau of Services for Child Care
505 E. King Street, Room 606
Carson City, NV 89710
(702) 885-5911

United Way of N. Nevada
P.O. Box 2730
Reno, NV 89905
(702) 329-4630

NEW HAMPSHIRE

UNH Child Care R & R
O'Kane House
Durham, NH 03824
(603) 862-2895

Child Care Project
302 Parkhurst Hall
Hanover, NH 03755
(603) 646-3233

Greater Nashua Child Care Center
2 Shattuck Street
Nashua, NH 03060
(603) 883-4431

NEW JERSEY

Camden County Department
of Children's Services
County of Camden Admin. Bldg., Lower Level
600 Market Street
Camden, NJ 08102
(609) 757-4424

Community Coordinated Child Care
60 Prince Street
Elizabeth, NJ 07208
(201) 353-1621

Bergen County Office for Children
355 Main Street
Hackensack, NJ 07601
(201) 646-3694

The Child Care Connection, Inc.
P.O. Box 6325
Lawrenceville, NJ 08648
(201) 896-2171

Children's Services of Morris County
1 W. hanover Avenue, P.O. Box 173
Mt. Freedom, NJ 07970
(201) 895-2703

Child Care Clearinghouse of Middlesex County
Davison Hall, Room 10, Nichol Avenue
New Brunswick, NJ 08225
(609) 646-1180

Passaic County Child Care
Coordinating Agency, Inc.
262 Main Street, 5th Floor
Paterson, NJ 07505
(201) 684-1904

E.I.R.C. Southern Regional
Child Care Resource Center
P.O. Box 209
Sewell, NJ 08080
(609) 228-6000 Ext. 235

Apple Pie
P.O. Box 43162
Upper Montclair, NJ 07043
(201) 746-7813

Programs for Parents, Inc.
56 Grove Avenue
Verona, NJ 07044
(201) 857-5177

NEW MEXICO

Carino Child Care Resource & Referral
of the YWCA of Albuquerque
P.O. Box 27748
Albuquerque, NM 87125
(505) 266-9922

Roswell Child Care Resource & Referral, Inc.
P.O. Box 3038
Roswell, NM 88202-3038
(505) 623-9438

NEW YORK

Capitol District Child Care
Coordinating Council, Inc.
88 North lake Avenue
Albany, NY 12206
(518) 434-5214

Steuben Day Care Project
117 E. Steuben Street
Bath, NY 14810
(607) 776-2125

Broome County Child Development Council
29 Fayette Street
Binghamton, NY 13901
(607) 723-8313

Child Development Support Corp.
677 Lafayette Avenue
Brooklyn, NY 11216
(718) 782-5888

Child Care Resource & Referral Center
of the Niagara Frontier
YWCA of Buffalo
190 Franklin Street
Buffalo, NY 14202
(716) 852-6124

Day Care Council of Nassau County
54 Washington Street
Hempstead, NY 11550
(516) 538-1362

Child Care Council of Suffolk, Inc.
145 Pidgeon Hill Road
Huntington Station, NY 11746
(516) 427-1206

Day Care & Child Development
Council of Tompkins County, Inc.
306 N. Aurora Street
Ithica, NY 14850
(607) 257-2950

Child Care, Inc.
275 Seventh Avenue
New York, NY 10001
(212) 929-7604

Family Resource Center
137 E. Second Street
New York, NY 10009
(212) 677-6602

Dutchess County Child Development Council, Inc.
53 Academy Street
Poughkeepsie, NY 12601
(914) 473-4141

Western New York Child Care Council, Inc.
1257 University Avenue, #201
Rochester, NY 14607
(716) 244-2960

Rockland Council for Young Children, Inc.
185 North Main Street
Spring Valley, NY 10977
(914) 425-0572

Onondaga County Child Care Council
215 Bassett Street
Syracuse, NY 13210
(315) 472-6919

Child Care Council of Weschester, Inc.
470 Mamaroneck Avenue
White Plains, NY 10605
(914) 761-3456

NORTH CAROLINA

Buncombe County Child Development
50 S. French Broad Avenue
Asheville, NC 28801
(704) 255-5725

Child Care Networks
Carr Mill Mall, Suite 222
Carrboro, NC 27510
(919) 942-0186

Child Care Resources, Inc.
700 Kenilorth Avenue
Charlotte, NC 28204
(704) 376-6697

Durham Day Care Council
119 Orange Street
Durham, NC 27701
(919) 688-8661

Child Care Information
Program of United Day Care Services
1200 Arlington Street
Greenboro, NC 27406
(919) 273-9451

Child Care Resource & Referral
Agency of High Point
P.O. Box 5461
High Point, NC 27260
(919) 887-3714

Davidson County Community College
Child Development Center
P.O. Box 1287
Lexington, NC 27292
(919) 475-7181

Wake Up for Children
Wake County CCR & R
103 Enterprise Street, Suite 208
Raleigh, NC 27607
(919) 821-0482

First Line
(Forsyth Information
& Referral Service Telephone Line)
660 West Fifth Street
Winston-Salem, NC 27106
(919) 727-8100

NORTH DAKOTA

No R & Rs Identified

OHIO

Comprehensive Community Child Care
240 Reading Road, #109
Cincinnati, OH 45202
(513) 621-8585

Center for Human Services
Child Care Resource Center
1240 Huron Road, 5th Floor
Cleveland, OH 44115
(216) 241-6400

Action for Children
92 Jefferson Avenue
Columbus, OH 43215
(614) 224-0222

Child Care Clearinghouse
414 Valley Street
Dayton, OH 45404
(513) 461-0600

OKLAHOMA

Child Care Connection
3014 Paseo
Oklahoma City, OK 73103
(405) 525-8782

Child Care Resource Center
1430 South Boulder
Tulsa, OK 74119
(918) 585-5551

OREGON

West Tuality Child Care Services
2813 Pacific Avenue, Suite C
Forest Grove, OR 97116
(503) 648-0838

A.M.A. Family Day & Night Care
P.O. Box 11243
Portland, OR 97211
(503) 285-0493

Child Care Information Service
325 13th Street, NE
Salem, OR 97301
(503) 585-2789

PENNSYLVANIA

Lehigh Valley Child Care, Inc.
1600 Hanover Avenue
Allentown, PA 18103
(215) 820-5333

Community Services for Children, Inc.
431 East Locust Street
Bethlehem, PA 18018
(215) 691-1819

Child Care Systems, Inc.
840 West Main Street, 3rd Floor
Lansdale, PA 19446
(215) 362-5070

PROBE
PSU/Capital College
Middletown, PA 17057
(717) 948-6313

CHOICE - Child Care Choices
125 South Ninth Street, Suite 603
Philadelphia, PA 19107
(215) 592-7644

Community Services for Children
431 East Locust Street
Philadelphia, PA 18018
(215) 691-1819

Child Care Network
200 Ross Street
Pittsburgh, PA 15219
(412) 392-3131 or (800) 392-3131

Child Care Consultants
1427 East Market Street
York, PA 17403
(714) 854-2273

RHODE ISLAND

Options for Working Parents
30 Exchange Terrace
Providence, RI 02903
(401) 272-7510

SOUTH CAROLINA

Yes, Inc.
2129 Santee Avenue
Columbia, SC 29205
(803) 252-4216

Greenville's Child
P.O. Box 8821
Greenville, SC 29604
(803) 242-8320

SOUTH DAKOTA

No R & Rs Identified

TENNESSEE

No R & Rs Identified

TEXAS

Austin Families, Inc.
3305 Northland Drive, Suite 410
Austin, TX 78731
(512) 454-4732

Child Care Answers
1499 Regal Row, Suite 400
Dallas, TX 75247
(214) 630-7911

Child Care Resource & Referral
Houston Committee
for Private Sector Initiatives
1233 West Loop South, #1325
Houston, TX 77027
(713) 840-1255

City of San Antonio
Child Abuse Prevention Program
P.O. Box 9066
San Antonio, TX 78285
(512) 299-7137

UTAH

Child Care Connection
576 East South Temple
Salt Lake City, UT 84102
(801) 355-7444

VERMONT

Child Care Resource & Referral Center
179 South Winoosky Avenue
Burlington, VT 05401
(802) 863-3367

Child Care Info Service
Vermont College
Montpelier, VT 05602
(802) 223-8771

VIRGINIA

City of Alexandria - Child Care Office
2525 Mt. Vernon Avenue, Unit 2
Alexandria, VA 22301
(703) 838-0750

CVCDA Office for Children & Youth
310 East Market Street
P.O. Box 424
Charlotteville, VA 22903
(804) 977-4260

Fairfax County Office for Children
Child Care Information System
11212 Waples Mill Road
Fairfax, VA 22030
(703) 691-3175

Concepts in Child Care
9127 Euclid Avenue
Manassas, VA 22110
(703) 369-8647

The Planning Council
First Virginia Bank
130 West Plume Street
Norfolk, VA 23510
(804) 622-9268

Council of Community Services
920 South Jefferson
P.O. Box 496
Roanoke, VA 24003
(703) 985-0131

Council for Children's Services
P.O. Box 895
Williamsburg, VA 23187
(804) 229-7940

WASHINGTON

Child Care Resource & Referral Service
9224 Holly Drive
Everett, WA 98204
(209) 347-6661 or (800) KID-LINE

Washington State CCR & R
Common, Room 103
Pullman, WA 99164
(509) 335-7265

Crisis Clinic - Day Care Referral Service
1515 Dexter Avenue, North #300
Seattle, WA 98109
(206) 461-3213

WEST VIRGINIA

Central Child Care of West Virginia
P.O. Box 5340
Charlston, WV 25361-0340
(304) 340-3667

WISCONSIN

Wisconsin Child Care Improvement Project
P.O. Box 369
Hayward, WI 54843
(715) 634-3905

Community Coordinated Child Care (4-C)
3200 Monroe Street
Madison, WI 53711
(608) 238-7338

Community Coordinated Child Care
(4-Cs of Milwaukee County)
2014 West McKinley Avenue
Milwaukee, WI 53205
(414) 933-9324

APPENDIX C
SOME SELECTED CHILD CARE RESOURCES

Children's Defense Fund
122 C Street, N.W.
4th Floor
Washington, D.C. 20001
(202) 628-8787

National Black Child Development Institute
1463 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(800) 387-1281

National Association for the Education of Young Children
1834 Connecticut Avenue, N.W.
Washington, D.C. 20009
(800) 424-2460

National Family Day Care Association
c/o Children's Foundation
815 Fifteenth Street, N.W., Suite 928
Washington, D.C. 20005
(202) 347-3300

National Association of Resource and Referral Agencies
2116 Campus Drive, S.E.
Rochester, MN 55904
(507) 287-2220

National Women's Law Center (child care and tax issues)
1751 N Street, N.W.
Washington, D.C 20036
(202) 872-0670

The Conference Board (info on Employer Supported Child Care)
845 Third Avenue
New York, NY 10022
(212) 759-0900

Child Care Action Campaign
99 Hudson Street, Room 1233
New York, NY 10013
(212) 334-9595

APPENDIX D

PLANNING POLICY COUNTY OF SAN MATEO	POLICY OF		EFF DATE	PAGE
	BOARD OF SUPERVISORS			
	PLANNING COMMISSION			
	COUNTY MANAGER			
SUBJECT: TEXT AMENDMENT PROCEDURE	ADMINISTRATION	X		1 of 2
	AIRPORT LAND USE COMMISSION			
	REGIONAL PLANNING COMMITTEE			

PURPOSE: To provide an orderly procedure for the processing of Text Amendments to the San Mateo County Ordinance Code.

This procedure shall be used whenever the Planning Division is involved with the amendment of any portion of the San Mateo County Ordinance Code. Although it is primarily the Zoning Annex of the Ordinance Code with which the Planning Division is involved, other portions of the Code may from time to time require amendments or addition (e.g., Oil and Gas Well Drilling Regulations, Timber Harvesting, etc.).

The following procedure will be used for processing Text Amendments:

1. Assignment of project.

2. Scoping with project planner by Senior Planner, Development Review Manager, and Planning Director, as necessary.

3. Preliminary draft ordinance to Senior Planner for review. Preliminary codification will commence with 001, 002, 003, ...

4. Accepted preliminary draft to a staff review committee designated by the Planning Director.

5. Coordinate for comments with affected County Departments (Health, Public Works, Parks, Fire Warden, etc.).

6. Approved preliminary draft codified and sent to the Planning Director for review.

7. Ordinance typed in legal format, see attached example (8 1/2 x 14).

8. Draft ordinance sent to District Attorney for comment and approval.

9. Environmental document prepared and distributed for review, if required.

10. Staff report prepared for Planning Commission hearing.

11. Staff report reviewed by Senior Planner.

12. Planning Commission hearing date set and legal notices sent, etc. (secretary to the Planning Commission).

13. Planning Commission action (including EIR, if necessary).

14. Staff report to Board of Supervisors (see BOS staff report and transmittal procedures).

PLANNING POLICY COUNTY OF SAN MATEO	POLICY OF		EFF. DATE	PAGE
	BOARD OF SUPERVISORS			
	PLANNING COMMISSION			
	COUNTY MANAGER			
SUBJECT: TEXT AMENDMENT PROCEDURE	ADMINISTRATION	X		2 of 2
	AIRPORT LAND USE COMMISSION			
	REGIONAL PLANNING COMMITTEE			

15. Board of Supervisors hearing and action (including EIR, if necessary).

16. Text Amendment forwarded to State Coastal Commission for approval.

17. Ordinance returned to Planning Division from Clerk of the BOS, along with ordinance number and effective date.

18. Ordinance number logged in with effective date (secretary to the Planning Commission).

19. Ordinance typed in code book format, proofread, and reproduced [(200 copies) (see attached example) (Word Processing Center)].

20. Printed ordinance copies distributed to all holders of ordinance codes as follows:

    -- San Mateo County Planning Commission (one each)
    -- County Manager's Office (10)
    -- Clerk of the Board (15)
    -- Planning Staff (one each)
    -- Environmental Health Division (2)
    -- Public Works Department (2)
    -- District Attorney (3)
    -- Secretary to the Planning Commission (remainder)

21. File Notice of Determination or Notice of Exemption (CEQA) with County Clerk.

RG:fc
10/31/80

OAS Form # ZA-7

New Construction Plan Submission Checklist

All Material submitted on a project must conform to the following requirements. Please submit 15 copies of all drawings.

1. Acetate transparency reduction
2. Plot Plan (Prepare to Architectural Scale)
   - Contours spot elevations
   - North arrow
   - Property lines with dimensions
   - All existing & proposed buildings
   - Signs
   - Fences walls trash enclosures
   - Lighting standards & intensity
   - Distance of buildings to property lines
   - Driveways (width, location) rights-of-way
   - Parking area (dimensions, etc.)
   - Easements (existing proposed)
   - Legend
     - Property owner name address
     - Applicant name address
     - Architect name address
     - Date of preparation
     - Area of parcel in square feet
     - Gross floor area of buildings
     - Number of required parking spaces
     - Percentage of landscaping
     - Number of proposed parking spaces
3. Floor Plan (1/4" = 1')
4. Elevations (Prepare to Architectural Scale)
   - Materials colors (include sample boards)
   - Roofing
   - All areas to show dimensions
   - Doors, windows, skylights, etc.
   - Exterior lighting
   - Signs (dimensions, style, etc.)
   - Fences, light standards
5. Landscape Plans
   - Existing and proposed trees, shrubs, ground cover (location, size, type), street trees
   - Plant chart
   - Irrigation system prepared by licensed landscape architect, civil engineer or contractor

The Use Permit is established by Section 12.112. of the City Code.

The City will also refer to the following documents when reviewing the application:

- The City General Plan
- Parking requirements
- Landscape requirements
- Signaling requirements
- Architectural Review Recommendations

Submittal Requirements:

- Completed Application
- Filing Fees
- Environmental Questionnaire
- Site Plan (See Plan Submission)
- Applicant Support Statement
- Any Additional Information deemed Necessary
- Building Elevations
- Maintenance of Landscape Agreement

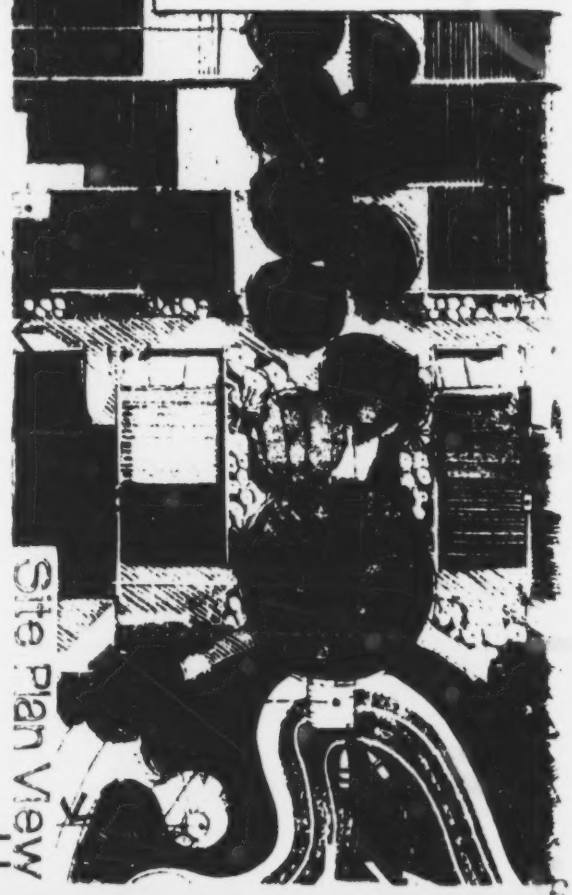
The Use Permit is granted to the property and is transferable.

Use Permits must be exercised within year of approval or they will expire.

All conditions of a use permit must be completed before a Use Permit, Building Permit or Certificate of Occupancy can be granted.

CITY OF SAN BRUNO
567 EL CAMINO REAL (415) 877-8614
SAN BRUNO, CA 94066 (415) 877-8615

THE USE PERMIT



Each land use in the City of San Bruno is governed by the City Zoning Map (which sets the types of zones for the city), and the Zoning Ordinance (which defines specific land uses).

There are many different types of zones in the City, ranging from residential to commercial to industrial.

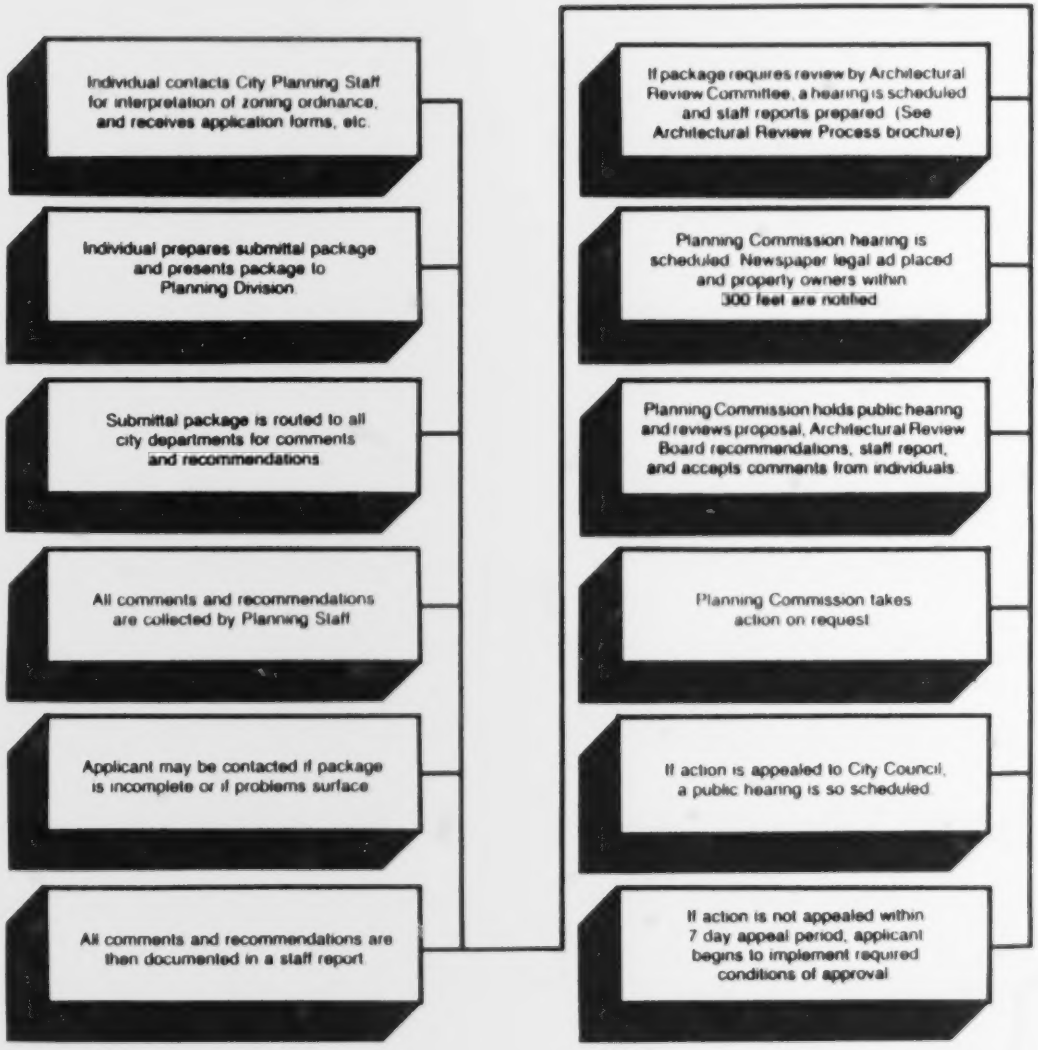
The zoning ordinance sets the types of land uses that may be permitted in any specific zone — grouping like or compatible land uses together.

In any particular zone, there are a number of land uses which can be expected to automatically be compatible. There are other land uses which may, or may not, be compatible with its neighbors for any number of reasons.

The City requires that those potentially incompatible land uses be individually approved before they are allowed to be established. That review process is called a Use Permit.

The Use Permit normally involves a series of steps which are graphically portrayed in this brochure.

Please be aware that this brochure is for information only, and does not represent specific points of law, and may not include all details.


Individual contacts City Planning Staff for interpretation of zoning ordinance, and receives application forms, etc.
Individual prepares submittal package and presents package to Planning Division.
Submittal package is routed to all city departments for comments and recommendations.
All comments and recommendations are collected by Planning Staff.
Applicant may be contacted if package is incomplete or if problems surface.
All comments and recommendations are then documented in a staff report.
If package requires review by Architectural Review Committee, a hearing is scheduled and staff reports prepared. (See Architectural Review Process brochure)
Planning Commission hearing is scheduled. Newspaper legal ad placed and property owners within 300 feet are notified.
Planning Commission holds public hearing and reviews proposal, Architectural Review Board recommendations, staff report, and accepts comments from individuals.
Planning Commission takes action on request.
If action is appealed to City Council, a public hearing is so scheduled.
If action is not appealed within 7 day appeal period, applicant begins to implement required conditions of approval.

American Planning Association
1776 Massachusetts Ave NW
Washington, DC 20036
Phone 202 872 0611

Child Care

POLICY IMPLEMENTATION PRINCIPLES

on

THE PROVISION OF CHILD CARE

Adopted by the Chapter Delegate Assembly, April 28, 1987
For ratification by the Board of Directors, September 19, 1987

FINDINGS

Affordable, conveniently located and quality child care is one of the most pressing concerns of contemporary family life. According to 1985 Census figures, women workers make up 44% of the U.S. labor force. In 1985, 62.3%--nearly two thirds--of all women with children under 18 years of age worked outside of the home. The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1985, 51% of these mothers were in the workforce. Additionally, most of these mothers worked full time (about 82% of employed single mothers and 68% of employed married mothers).

In 1986, over half of all children under 17 (34 million) had mothers in the work force. An estimated 7 million of these children are "latchkey," or left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of Federal support. In addition, planners can aim at state and local level policies and actions which would enhance the provision of quality child care.

In 1982, the most common type of arrangement chosen by working parents was family day care homes. Family day care is provided by an adult working in his or her home and typically caring for four to seven children. Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space.

POLICY IMPLEMENTATION PRINCIPLES

APA CHAPTERS ADVOCATE THE INCLUSION OF CHILD CARE POLICIES AS PART OF LOCAL COMPREHENSIVE PLANS AND/OR SOCIAL SERVICE PLANS.

APA CHAPTERS ENCOURAGE COMMUNITIES TO CONSIDER AMENDING LOCAL ZONING ORDINANCES TO REMOVE OBSTACLES TO THE PROVISION OF REGULATED GROUP AND FAMILY CHILD CARE IN ALL ZONING DISTRICTS.

APA CHAPTERS ENCOURAGE COMMUNITIES TO NEGOTIATE WITH DEVELOPERS AND TO OFFER INCENTIVES TO PROVIDE SPACE FOR CHILD CARE IN ALL TYPES OF PROJECTS, BOTH RESIDENTIAL AND COMMERCIAL, NEW CONSTRUCTION AND REUSE.

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A recent survey of parents seeking child care in five New York state counties showed the number one problem to be finding a center which was conveniently

located. Many communities are already actively engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive an FAR bonus in exchange for providing space for day care. Prince George's County, Maryland, has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California, includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home.

APA NATIONAL AND CHAPTERS SUPPORT LEGISLATION PROVIDING FOR CHILD CARE NEEDS ASSESSMENT AND PLANNING TO BE FUNDED AT THE FEDERAL, STATE AND LOCAL LEVELS AND TO BE PERFORMED AT THE STATE AND LOCAL LEVELS.

APA NATIONAL SUPPORTS LEGISLATION, SUCH AS THAT PROPOSED BY CONGRESSWOMAN SCHROEDER OF COLORADO, WHICH WOULD REQUIRE THE GRANTING OF REASONABLE MATERNITY AND PATERNITY LEAVE TO ANY PARENT WHO REQUESTS IT AND GUARANTEE THAT THEIR JOB WILL BE PROTECTED DURING THAT PERIOD.

APA NATIONAL SUPPORTS LEGISLATION WHICH WOULD PROVIDE HEALTH CARE BENEFITS INCLUDING COVERAGE FOR PREGNANCY AND POST-NATAL CARE FOR ALL WOMEN.

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, maternity leave (or fathers to paternity leave), health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80%, according to the National Commission on Working Women) work in low paying, low status jobs. Nearly two thirds (63.6%) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults.

APA NATIONAL AND CHAPTERS SUPPORT ANY NATIONAL AND STATE LEGISLATION WHICH MOVES TOWARD THE GOAL OF PROVIDING ADEQUATE FUNDING FOR SAFE, CONVENIENT AND AFFORDABLE CHILD CARE OPPORTUNITIES FOR ALL CHILDREN.

# # #

Note: The implementation of actions at the state level is at the initiation of the chapter.

5/87

Appendix G
Family Day Care State Zoning Preemption Legislation

State	Statutory Reference	Type of Home Exempted	Building & Fire Preempted	Deed Restrictions Rendered Void	Statute Language	Conditional Use Permit (CUP)
1. CA	Cal. Health & Safety Code Section 1597.40, 1597.45 & 1597.46	Small	Yes	Yes	Single family residence used as small family day care considered residential use of property	Prohibited
		Large (locality may choose 1 of 3 options: permitted as of right, non-discretionary or CUP)	Yes (Fire regulations to be applied established by State Fire Marshall)	Yes	Large family day care shall not be prohibited on single family dwelling lots	Permitted
2. CT	Conn. Gen. Stat. Ann. Section 8-2	Small & Large	No	No	Family day care and group day care may not be prohibited in residential zones	Implicitly permitted
3. FL	Fla. Stat. Ann. Section 402.313	Small (No provision for Large)	No	No	Residence used as a family day care home constitutes a valid residential use	Explicitly prohibited
4. MA	Mass. Gen. Laws Ann.Ch. 40A, Section 3	Small (No provision for Large)	No	No	Family day care is a permitted use unless specifically prohibited or regulated by zoning	Permitted when family day care is not permitted by right

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Appendix G
Family Day Care State Zoning Preemption Legislation

	State	Statutory Reference	Type of Home Exempted	Building & Fire Preempted	Deed Restrictions Rendered Void	Statute Language	Conditional Use Permit (CUP)
5.	MI	16(g) to Michigan Compiled Laws Sections 125.271 to 125.301 and 125.201 to 125.232 Only affects zoning in counties and townships, *not cities.*	Small	No	No	Family day care home considered a residential use of property; permitted by right in all residential zones	Prohibited
			Large	No	No	Group day care a permitted use if certain standards specified in statute (regarding concentration, signage, fencing, parking, etc.) are met	Permitted if group day care home cannot meet standards specified in statute yet still desires to operate.
6.	MN*	16A Minn. Stat. Ann. Section 245.812	Small	No	No	Licensed day care facility for 12 considered permitted single family residential use	Prohibited

** Preemption pertains to all residential care facilities, hence, language does not match day care definitions. Small family day care = 10. Large family day care = 14.*

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Appendix G
Family Day Care State Zoning Preemption Legislation

	State	Statutory Reference	Type of Home Exempted	Building & Fire Preempted	Deed Restrictions Rendered Void	Statute Language	Conditional Use Permit (CUP)
	MN		Large	No	No	Facility for 13-16 considered permitted multi-family use, but may be subject to CUP or special use permit	Explicitly permitted
7.	MT	Mont. Code Ann. Section 76-2-412	Small & Large	No	No	Family day care home or group day care home considered residential use of property	Explicitly prohibited
8.	NJ	N.J. 1986 Assembly Bill No. 1791	Small (No provision for Large)	No	No	Family day care home considered home occupation and should not be treated more strictly than other home occupations	Same restrictions as applied to home occupation
9.	NY	N.Y. Social Services Law Section 390(13)(d)	Large	No	No	Group family day care may not be prohibited in single family dwellings or multiple dwellings	Implicitly permitted

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Appendix G
Family Day Care State Zoning Preemption Legislation

	State	Statutory Reference	Type of Home Exempted	Building & Fire Preempted	Deed Restrictions Rendered Void	Statute Language	Conditional Use Permit (CUP)
10.	OH	Ohio Rev. Code Ann. Section 5104.054	Small	No	No	Family day care home considered residential use of property	Explicitly prohibited
11.	OR	Or. Rev. Stat. Sections 418.805 - 418.815	Small & Large	Yes (Per Unofficial Atty. Gen. Memorandum - Dept. of Justice File No. 412--400-G0032-88)	No	Family day care home considered residential use of property and may not be prohibited in residential or commercial zones	Conditions may not be more restrictive than for residential dwellings in same zone - CUP implicitly prohibited
12.	VT	Vt. Stat. Ann. Title 24, Section 4409(f)	Small	No	No	Day care facility considered by right single family residential use of property	Prohibited
13.	WI	Wis. Stat. Ann. Section 66.304	Small (No provision for Large)	No	No	Family day care may not be prevented from location in zone which permits single-family residences	Municipality may impose regulations which are applicable to similar dwellings in the district

NOTE: Rhode Island is considering a preemption for family day care homes.(No Large category.)

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APPENDIX II
MODEL LANGUAGE FOR STATE PREEMPTION LAW ON FAMILY DAY CARE

OPTION ONE

Sec 1. (a) It is the intent of the Legislature that family day care homes for children must be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a day care home the same home environment as provided in a traditional home setting.

The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning regulations regulating the use or occupancy of family day care homes for children as other than residential use or occupancy and to prohibit any restrictions relating to the use of property for family day care homes for children under this chapter.

(b) Family day care homes for children under this chapter shall be considered a residential use of property for purposes of zoning and shall a permitted use in all zones in which residential uses are permitted, including, but not limited to, zones for single-family dwellings. No conditional use permit or special exception may be required for such residences.

(c) Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging, of such real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void.

(d) Every restriction or prohibition entered into whether by way of covenant, condition upon use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits the acquisition, use, or occupancy of such property for a family day care home for children is void.

APPENDIX H
MODEL STATE PREEMPTION STATUTE

OPTION TWO

Sec. 1: Intent to Preempt, Preemption of Local Zoning

(a) It is the intent of the Legislature that family day care homes for children must be situated in normal residential surroundings so as to give children a home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home that same home environment as provided in a traditional home setting.

The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning regulations regulating the use or occupancy of family day care homes for children as other than residential use or occupancy and to prohibit any restriction relating to the use or occupancy or property for family day care homes for children except as specified under this chapter.

(b) Family day care homes for children shall be considered a residential use of property for purposes of zoning and shall be a permitted use in all zones in which residential uses are permitted, including, but not limited to, zones for single-family dwellings. No conditional use permit or special exception may be required for such residences.

(c) For the purposes of this chapter, residences shall mean single-family homes, townhouses, condominiums, apartments and any and all other dwelling units used for residential purposes.

[Optional] Sec. 2 Written Instruments Relating to Real Property

Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of such real property for use or occupancy as a family day care home for children is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void.

[Optional] Sec. 3 Covenants and Conditions

Every restriction or prohibition into whether by way of covenant, condition upon use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits the acquisition, use, or occupancy of such property for a family day care home for children is void.

[Optional] Sec. 4 Business License, Fee or Tax

No local jurisdiction shall impose any business license, fee or tax for the privilege of operating a family day care home.

[Optional] Sec. 5 Building Code

Use of a residence for a family care home**** shall not constitute a change of occupancy for purposes of local building and fire codes.

[Optional] Sec. 6 Fire and Life Safety

Large family day care homes shall be considered residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this Subdivision.

No city, county, city and county or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large family day care homes which is inconsistent with those standard adopted by th State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to residences in which day care is not provided.

[Optional] Sec. 7 Limits of Preemption

The provisions of this chapter shall not be construed to preclude any city, county or other public entity from placing restrictions on building heights, setbacks, or lot dimensions of a family day care home as long as such restrictions are identical to those applied to other residences. The provisions of this chapter also shall not be construed to prohibit or restrict the abatement of nuisance by the city, county or city and county. However, such ordinance or nuisance abatement shall not distinguish family day care homes from other residences, except as otherwise provided in this chapter.

[Optional] Sec. 8 Notice of Provisions of Chapter
Every city, county and/or other jurisdiction which has the authority to impose zoning requirements shall be notified in writing of the requirements of this law. These provisions shall also be distributed to all family day care licensees and prospective licensees.

[Optional; should be included if optional Sec. 3 is included]. Developers shall provide in the covenants, conditions and restrictions, if any, or in similar documents that a family day care home may be located in any residential unit or lot.

**** As long as the maximum capacity of children served is limited to twelve.

[Optional] Sec.9 Severability

If any clause, sentence, part or parts of this chapter or of any section thereof, shall be deemed unconstitutional, such unconstitutionality shall not affect the validity of remaining sections of this chapter or of any section thereof. The Legislature hereby declares that it would have passed the remaining parts of this chapter or any section thereof, if it had known such clause, ordinance, part or parts of any section thereof should be declared unconstitutional.

Notes on Developing a Statewide Preemption Ordinance

a. Determine whether the preemption of local zoning ordinances is legally feasible. Statewide zoning preemption legislation may be precluded by specific state constitutional provisions, by home rule provisions in state constitutions or by judicial interpretation.

b. Be certain that the law explicitly states that it is preempting the field in this area ("This is a matter of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning..."). It may state the policy reasons for doing so including the strong public interest in seeing family day care homes established in the residential neighborhoods where they belong and the importance of eliminating arbitrary and discriminatory variation among localities in their zoning treatment of family day care homes.

c. Determine which types of homes are to be covered in the statute, and the manner in which local zoning is to be preempted. Any preemption statute should treat all regulated family day care homes as residential uses of property and explicitly state that all such homes are permitted and not prohibited in all residential zones. Once these homes are permitted, the statute should go on to prescribe how the homes are to be treated for zoning purposes. Every state preemption law ought to permit homes serving small numbers of children (1-6) by right, with no further conditions.

The wide variation among the states as to what constitutes a large family day care home, if the state even maintains a category for such homes, precludes an across-the- board recommendation that all large family day care homes be permitted as of right. However, in those states where the large family day care home is viewed as having minimal impact, serious consideration ought to be given to permitting large family day care homes by right as well. Oregon and Minnesota permit by right homes serving up to 12 children.

If these larger homes are not permitted by right, the state preemption provisions should then require that localities apply a non-discretionary permit to process them, whereby once specified conditions are met, the permit is granted. For further information on the non-discretionary permit process, see Part IV, step 4.

d. Determine which areas of potential local involvement are to be preempted. While this Guide has dealt specifically with zoning laws, it makes sense for these statutes to simultaneously deal with building codes, fire codes, deed restrictions, business licenses and business taxes. (See optional sections of model statute). Otherwise, one may eliminate one problem while maintaining an equally troublesome impediment. For example, California law preempts the application of building codes and deed restrictions . It also established special statewide fire codes applicable to large family day care.

e. Consider where the statute should appear in the state code. Most of the state preemption statutes have appeared in the state code which regulates family day care. Vermont, on the other hand, placed its preemption provisions in its Zoning Code, where other land use provisions are located. Consideration might be given to placing the provision in one code and cross-referencing the section in the other code, as one of the persistent problems seen in states with preemption statutes has been a lack of awareness about their existence.

APPENDIX I
CHECKLIST FOR DEVELOPING LEGISLATION

1. What is the purpose of the bill?
2. Define any technical language/terms.
3. Why is the bill needed:
    a. Who does the problem affect?
    b. Who will benefit?
    c. Who will be covered?
    d. Data supporting the need for bill (national, state and/or local).
4. What solution does the bill propose? How will the bill alleviate the problem or change conditions?
5. What are the alternative solutions and consequences?
6. What special interests will be affected?
7. Who will be adversely affected?
8. Who are the interest groups in opposition?
9. Who are the interest groups in support (letters/witnesses)?
10. Who will implement the bill and how will the bill be implemented?
11. Who will enforce bill and how will it be enforced?
12. How much local money will the bill cost: now and in the future?
13. How much state money will the bill cost: now and in the future?
14. If additional money is necessary, will additional money be raised?
15. What are additional personnel or facilities needed?
16. What are the arguments against the bill?
17. Legislative History:
    a. Research the current legislation relating to subject matter.
    b. Has a similar bill been introduced before? If so, how did it differ and what happened to it?
    c. Are the sponsors the same?
    d. Who supported previous legislation? Who opposed it?
18. Is the sponsor in a position to give active support?
19. Prepare a response to the committee consultant's analysis.
20. Prepare for possible questions that might be asked during committee hearing.
21. Delve into the committee's membership: Who and what are influential factors in their typical decision making?
22. Committee Rules: Get a copy of rules for each committee bill that will go through as each committee has slight rule variations.